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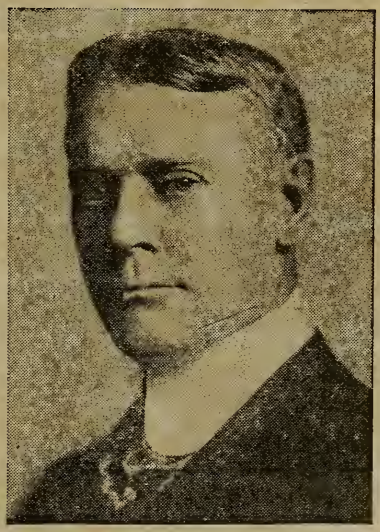
"Pass Prosperity Around"



Speech of

Albert J. Beveridge

Temporary Chairman of
Progressive National Convention

¶ "These special interests which suck the people's substance are bi-partisan . . . They are the invisible government behind our visible government."

INV. 1916

"Pass Prosperity Around"

We stand for a nobler America. We stand for an undivided Nation. We stand for a broader liberty, a fuller justice. We stand for social brotherhood as against savage individualism. We stand for an intelligent co-operation instead of a reckless competition. We stand for mutual helpfulness instead of mutual hatred. We stand for equal rights as a fact of life instead of a catch-word of politics. We stand for the rule of the people as a practical truth instead of a meaningless pretense. We stand for a representative government that represents the people. We battle for the actual rights of man.

To carry out our principles we have a plain program of constructive reform. **We mean to tear down only that which is wrong and out of date; and where we tear down we mean to build what is right and fitted to the times. We harken to the call of the present.** We mean to make laws fit conditions as they are and meet the needs of the people who are on earth to-day. That we may do this we found a party through which all who believe with us can work with us; or, rather, we declare our allegiance to the party which the people themselves have founded.

For this party comes from the grass roots. It has grown from the soil of the people's hard necessities. It has the vitality of the people's strong convictions. The people have work to be done and our party is here to do that work. Abuse will only strengthen it, ridicule only hasten its growth, falsehood only speed its victory.

For years this party has been forming. Parties exist for the people; not the people for parties. Yet for years the politicians have made the people do the work of the parties instead of the parties doing the work of the people —and the politicians own the parties. The people vote for one party and find their hopes turned to ashes on their lips; and then, to punish that party, they vote for the other party. **So it is that partisan victories have come to be merely the people's vengeance; and always the secret powers have played their game.**

Like other free people, most of us Americans are progressive or reactionary, liberal or conservative. The neutrals do not count. Yet to-day neither of the old parties is either wholly progressive or wholly reactionary. Democratic politicians and office seekers say to reactionary Democratic voters that the Democratic party is reactionary enough to express reactionary views; and they say to progressive Democrats that the Democratic party is progressive enough to express progressive views. At the same

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time, Republican politicians and office seekers say the same thing about the Republican party to progressive and reactionary Republican voters.

Sometimes in both Democratic and Republican States the progressive get control of the party locally and then the reactionaries recapture the same party in the same State; or this process is reversed. **So there is no nation-wide unity of principle in either party, no stability of purpose, no clear-cut and sincere program of one party at frank and open war with an equally clear-cut and sincere program of an opposing party.**

This unintelligent tangle is seen in Congress. Republican and Democratic Senators and Representatives, believing alike on broad measures affecting the whole Republic, find it hard to vote together because of the nominal difference of their party membership. When, sometimes, under resistless conviction, they do vote together, we have this foolish spectacle; legislators calling themselves Republicans and Democrats support the same policy, the Democratic legislators declaring that that policy is Democratic and Republican legislators declaring that it is Republican; and at the very same time other Democratic and Republican legislators oppose that very same policy, each of them declaring that it is not Democratic or not Republican.

The Degrading Boss System

The condition makes it impossible most of the time, and hard at any time, for the people's legislators who believe in the same broad policies to enact them into logical, comprehensive laws. It confuses the public mind. It breeds suspicion and distrust. It enables such special interests as seek unjust gain at the public expense to get what they want. It creates and fosters the degrading boss system in American politics through which these special interests work.

This boss system is unknown and impossible under any other free government in the world. In its very nature it is hostile to the general welfare. Yet it has grown until it now is a controlling influence in American public affairs. At the present moment notorious bosses are in the saddle of both old parties in various important States which must be carried to elect a President. **This Black Horse Cavalry is the most important force in the practical work of the Democratic and Republican parties in the present campaign. Neither of the old parties' nominees for President can escape obligation to these old-party bosses or shake their practical hold on many and powerful members of the National Legislature.**

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Under this boss system, no matter which party wins, the people seldom win; but the bosses almost always win. And they never work for the people. They do not even work for the party to which they belong. They work only for those anti-public interests whose political employees they are. It is these interests that are the real victors in the end.

The Invisible Government

These special interests which suck the people's substance are bi-partisan. They use both parties. **They are the invisible government behind our visible government. Democratic and Republican bosses alike are brother officers of this hidden power.** No matter how fiercely they pretend to fight one another before election, they work together after election. And, acting so, this political conspiracy is able to delay, mutilate or defeat sound and needed laws for the people's welfare and the prosperity of honest business and even to enact bad laws, hurtful to the people's welfare and oppressive to honest business.

It is this invisible government which is the real danger to American institutions. Its crude work at Chicago in June, which the people were able to see, was no more wicked than its skillful work everywhere and always which the people are not able to see.

But an even more serious condition results from the unnatural alignment of the old parties. To-day we Americans are politically shattered by sectionalism. Through the two old parties the tragedy of our history is continued; and one great geographical part of the Republic is separated from other parts of the Republic by an illogical partisan solidarity.

The South has men and women as genuinely progressive and others as genuinely reactionary as those in others parts of our country. Yet, for well-known reasons, these sincere and honest southern progressives and reactionaries vote together in a single party, which is neither progressive nor reactionary. They vote a dead tradition and a local fear, not a living conviction and a national faith. They vote not for the Democratic party, but against the Republican party. **They want to be free from this condition; they can be free from it through the National Progressive party.**

For the problems which America faces to-day are economic and national. They have to do with a more just distribution of prosperity. They concern the living of the people; and therefore the more direct government of the people by themselves.

They affect the South exactly as they affect the North,

the East or the West. It is an artificial and dangerous condition that prevents the southern man and woman from acting with the northern man and woman who believe the same thing. Yet just that is what the old parties do prevent.

Not only does this out-of-date partisanship cut our Nation into two geographical sections; it also robs the Nation of a priceless asset of thought in working out our national destiny. The South once was famous for brilliant and constructive thinking on national problems, and to-day the South has minds as brilliant and constructive as of old. But southern intellect cannot freely and fully aid, in terms of politics, the solving of the Nation's problems. This is so because of a partisan sectionalism which has nothing to do with those problems. Yet these problems can be solved only in terms of politics.

Make Sure the Rule of the People

The root of the wrongs which hurt the people is the fact that the people's government has been taken away from them—the invisible government has usurped the people's government. Their government must be given back to the people. And so the first purpose of the Progressive party is to make sure the rule of the people. The rule of the people means that the people themselves shall nominate, as well as elect, all candidates for office, including Senators and Presidents of the United States. **What profiteth it the people if they do only the electing while the invisible government does the nominating?**

The rule of the people means that when the people's legislators make a law which hurts the people, the people themselves may reject it. The rule of the people means that when the people's legislators refuse to pass a law which the people need, the people themselves may pass it. The rule of the people means that when the people's employes do not do the people's work well and honestly, the people may discharge them exactly as a business man discharges employes who do not do their work well and honestly. The people's officials are the people's servants, not the people's masters.

We progressives believe in this rule of the people that the people themselves may deal with their own destiny. Who knows the people's needs so well as the people themselves? Who so patient as the people? Who so long suffering, who so just? Who so wise to solve their own problems?

Today these problems concern the living of the people. Yet in the present stage of American development these problems should not exist in this country. For, in all the

world there is no land so rich as ours. Our fields can feed hundreds of millions. We have more minerals than the whole of Europe. Invention has made easy the turning of this vast natural wealth into supplies for all the needs of man. One worker today can produce more than twenty workers could produce a century ago.

The Living of the People the Problem

The people living in this land of gold are the most daring and resourceful on the globe. Coming from the hardiest stock of every nation of the old world their very history in the new world has made Americans a peculiar people in courage, initiative, love of justice and all the elements of independent character.

And, compared with other peoples, we are very few in numbers. There are only ninety millions of us, scattered over a continent. Germany has sixty-five millions packed in a country very much smaller than Texas. The population of Great Britain and Ireland could be set down in California and still have more than enough room for the population of Holland. If this country were as thickly peopled as Belgium there would be more than twelve hundred million instead of only ninety million persons within our borders.

So we have more than enough to supply every human being beneath the flag. There ought not to be in this Republic a single day of bad business, a single unemployed workingman, a single unfed child. American business men should never know an hour of uncertainty, discouragement or fear; American workingmen never a day of low wages, idleness or want. Hunger should never walk in these thinly peopled gardens of plenty.

And yet in spite of all these favors which providence has showered upon us, the living of the people is the problem of the hour. Hundreds of thousands of hard-working Americans find it difficult to get enough to live on. The average income of an American laborer is less than $500 a year. With this he must furnish food, shelter and clothing for a family.

Women, whose nourishing and protection should be the first care of the State, not only are driven into the mighty army of wage-earners, but are forced to work under unfair and degrading conditions. The right of a child to grow into a normal human being is sacred; and yet, while small and poor countries, packed with people, have abolished child labor, American mills, mines, factories and sweatshops are destroying hundreds of thousands of American children in body, mind and soul.

At the same time men have grasped fortunes in this country so great that the human mind cannot comprehend their magnitude. These mountains of wealth are far larger than even that lavish reward which no one would deny to business risk or genius.

On the other hand, American business is uncertain and unsteady compared with the business of other nations. American business men are the best and bravest in the world, and yet our business conditions hamper their energies and chill their courage. We have no permanency in business affairs, no sure outlook upon the business future. **This unsettled state of American business prevents it from realizing for the people that great and continuous prosperity which our country's location, vast wealth and small population justifies.**

"Pass Prosperity Around"

We mean to remedy these conditions. We mean not only to make prosperity steady, but to give to the many who earn it a just share of that prosperity instead of helping the few who do not earn it to take an unjust share. **The progressive motto is "Pass prosperity around."** To make human living easier, to free the hands of honest business, to make trade and commerce sound and steady, to protect womanhood, save childhood and restore the dignity of manhood—these are the tasks we must do.

What, then, is the progressive answer to these questions? We are able to give it specifically and concretely. The first work before us is the revival of honest business. For business is nothing but the industrial and trade activities of all the people. Men grow the products of the field, cut ripe timber from the forest, dig metal from the mine, fashion all for human use, carry them to the market place and exchange them according to their mutual needs—and this is business.

With our vast advantages, contrasted with the vast disadvantages of other nations, American business all the time should be the best and steadiest in the world. But it is not. Germany, with shallow soil, no mines, only a window on the seas and a population more than ten times as dense as ours, yet has a sounder business, a steadier prosperity, a more contented because better cared for people.

What, then, must we do to make American business better? We must do what poorer nations have done. We must end the abuses of business by striking down those abuses instead of striking down business itself. **We must try to make little business big and all business honest in-**

stead or striving to make big business little and yet letting it remain dishonest.

Present-day business is as unlike old-time business as the old-time ox-cart is unlike the present-day locomotive. Invention has made the whole world over again. The railroad, telegraph, telephone have bound the people of modern nations into families. To do the business of these closely knit millions in every modern country great business concerns came into being. What we call big business is the child of the economic progress of mankind. So warfare to destroy big business is foolish because it can not succeed and wicked because it ought not to succeed. Warfare to destroy big business does not hurt big business, which always comes out on top, so much as it hurts all other business which, in such a warfare, never comes out on top.

Evils of Big Business

With the growth of big business came business evils just as great. It is these evils of big business that hurt the people and injure all other business. One of these wrongs is over capitalization which taxes the people's very living. Another is the manipulation of prices to the unsettlement of all normal business and to the people's damage. Another is interference in the making of the people's laws and the running of the people's government in the unjust interest of evil business. Getting laws that enable particular interests to rob the people, and even to gather criminal riches from human health and life is still another.

An example of such laws is the infamous tobacco legislation of 1902, which authorized the Tobacco Trust to continue to collect from the people the Spanish War tax, amounting to a score of millions of dollars, but to keep that tax instead of turning it over to the government, as it had been doing. Another example is the shameful meat legislation, by which the Beef Trust had the meat it sent abroad inspected by the government so that foreign countries would take its product and yet was permitted to sell diseased meat to our own people. **It is incredible that laws like these could ever get on the Nation's statute books. The invisible government put them there; and only the universal wrath of an enraged people corrected them when, after years, the people discovered the outrages.**

It is to get just such laws as these and to prevent the passage of laws to correct them, as well as to keep off the statute books general laws which will end the general abuses of big business that these few criminal interests corrupt our politics, invest in public officials and keep in power in

both parties that type of politicians and party managers who debase American politics.

Behind rotten laws and preventing sound laws, stands the corrupt boss; behind the corrupt boss stands the robber interest; and commanding these powers of pillage stands bloated human greed. It is this conspiracy of evil we must overthrow if we would get the honest laws we need. **It is this invisible government we must destroy if we would save American institutions.**

Other nations have ended the very same business evils from which we suffer by clearly defining business wrongdoing and then making it a criminal offense, punishable by imprisonment. Yet these foreign nations encourage big business itself and foster all honest business. But they do not tolerate dishonest business, little or big.

Sherman Law Antiquated

What, then, shall we Americans do? Common sense and the experience of the world says that we ought to keep the good big business does for us and stop the wrongs that big business does to us. Yet we have done just the other thing. We have struck at big business itself and have not even aimed to strike at the evils of big business. Nearly twenty-five years ago Congress passed a law to govern American business in the present time which Parliament passed in the reign of King James to govern English business in that time.

For a quarter of a century the courts have tried to make this law work. Yet during this very time trusts grew greater in number and power than in the whole history of the world before; and their evils flourished unhindered and unchecked. These great business concerns grew because natural laws made them grow and artificial law at war with natural law could not stop their growth. But their evils grew faster than the trusts themselves because avarice nourished those evils and no law of any kind stopped avarice from nourishing them.

Nor is this the worst. Under the shifting interpretation of the Sherman law, uncertainty and fear is chilling the energies of the great body of honest American business men. As the Sherman law now stands, no two business men can arrange their mutual affairs and be sure that they are not law-breakers. This is the main hindrance to the immediate and permanent revival of American business. **If German or English business men, with all their disadvantages compared with our advantages, were manacled by our Sherman law, as it stands, they soon would be bankrupt.**

Indeed, foreign business men declare that, if their countries had such a law, so administered, they could not do business at all.

Even this is not all. By the decrees of our courts, under the Sherman law, the two mightiest trusts on earth have actually been licensed, in the practical outcome, to go on doing every wrong they ever committeed. Under the decrees of the courts the Oil and Tobacco Trusts still can raise prices unjustly and already have done so. They still can issue watered stock and surely will do so. They still can throttle other business men and the United Cigar Stores Company now is doing so. They still can corrupt our politics and this moment are indulging in that practice.

Mock Battle With Criminal Capital

The people are tired of this mock battle with criminal capital. They do not want to hurt business, but they do want to get something done about the trust question that amounts to something. What good does it do any man to read in his morning paper that the courts have "dissolved" the Oil Trust, and then read in his evening paper that he must thereafter pay a higher price for his oil than ever before? What good does it do the laborer who smokes his pipe to be told that the courts have "dissolved" the Tobacco Trust and yet find that he must pay the same or a higher price for the same short-weight package of tobacco? Yet all this is the practical result of the suits against these two greatest trusts in the world.

Such business chaos and legal paradoxes as American business suffers from can be found nowhere else in the world. Rival nations do not fasten legal ball and chain upon their business—no, they put wings on its flying feet. Rival nations do not tell their business men that if they go forward with legitimate enterprise the penitentiary may be their goal. No! Rival nations tell their business men that so long as they do honest business their governments will not hinder but will help them.

But these rival nations do tell their business men that if they do any evil that our business men do, prison bars await them. These rival nations do tell their business men that if they issue watered stock or cheat the people in any way, prison cells will be their homes.

Just this is what all honest American business wants; just this is what dishonest American business does not want; just this is what the American people propose to have; just this the national Republican platform of 1908 pledged the people that we would give them; and just this important pledge the administration, elected on that plat-

form, repudiated as it repudiated the more immediate tariff pledge.

Both these reforms, so vital to honest American business, the Progressive party will accomplish. Neither evil interests nor reckless demagogues can swerve us from our purpose; for we are free from both and fear neither.

We mean to put new business laws on our statute books which will tell American business men what they can do and what they cannot do. We mean to make our business laws clear instead of foggy—to make them plainly state just what things are criminal and what are lawful. And we mean that the penalty for things criminal shall be prison sentences that actually punish the real offender, instead of money fines that hurt nobody but the people, who must pay them in the end.

The Progressive Message to Business

And then we mean to send the message forth to hundreds of thousands of brilliant minds and brave hearts engaged in honest business, that they are not criminals but honorable men in their work to make good business in this Republic. Sure of victory, we even now say, "Go forward, American business men, and know that behind you, supporting you, encouraging you, are the power and approval of the greatest people under the sun. Go forward, American business men, and feed full the fires beneath American furnaces; and give employment to every American laborer who asks for work. Go forward, American business men, and capture the markets of the world for American trade; and know that on the wings of your commerce you carry liberty throughout the world and to every inhabitant thereof. Go forward, American business men, and realize that in the time to come it shall be said of you, as it is said of the hand that rounded Peter's Dome, 'he builded better than he knew.' "

The next great business reform we must have to steadily increase American prosperity is to change the method of building our tariffs. The tariff must be taken out of politics and treated as a business question instead of as a political question. Heretofore, we have done just the other thing. That is why American business is upset every few years by unnecessary tariff upheavals and is weakened by uncertainty in the periods between. The greatest need of business is certainty; but the only thing certain about our tariff is uncertainty.

What, then, shall we do to make our tariff changes strengthen business instead of weakening business? Rival protective tariff nations have answered that question.

Common sense has answered it. **Next to our need to make the Sherman law modern, understandable and just, our greatest fiscal need is a genuine, permanent, non-partisan tariff commission.**

Five years ago, when the fight for this great business measure was begun in the Senate the bosses of both parties were against it. So, when the last revision of the tariff was on and a tariff commission might have been written into the tariff law, the administration would not aid this reform. When two years later the administration supported it weakly, the bi-partisan boss system killed it. **There has not been and will not be any sincere and honest effort by the old parties to get a tariff commission. There has not been and will not be any sincere and honest purpose by those parties to take the tariff out of politics.**

For the tariff in politics is the excuse for those sham political battles which give the spoilers their opportunity. The tariff in politics is one of the invisible government's methods of wringing tribute from the people. Through the tariff in politics the beneficiaries of tariff excesses are cared for, no matter which party is "revising."

The Progressive Tariff Proposal

Who has forgotten the tariff scandals that made President Cleveland denounce the Wilson-Gorman bill as "a perfidy and a dishonor?" Who ever can forget the brazen robberies forced into the Payne-Aldrich bill which Mr. Taft defended as "the best ever made?" If everyone else forgets these things the interests that profited by them never will forget them. The bosses and lobbyists that grew rich by putting them through never will forget them. That is why the invisible government and its agents want to keep the old method of tariff building. For, though such tariff "revisions" may make lean years for the people, they make fat years for the powers of pillage and their agents.

So neither of the old parties can honestly carry out any tariff policies which they pledge the people to carry out. But even if they could and even if they were sincere, the old party platforms are in error on tariff policy. The Democratic platform declares for free trade; but free trade is wrong and ruinous. The Republican platform permits extortion; but tariff extortion is robbery by law. The Progressive party is for honest protection; and honest protection is right and a condition of American prosperity.

A tariff high enough to give American producers the American market when they make honest goods and sell them at honest prices but low enough that when they sell

dishonest goods at dishonest prices; foreign competition can correct both evils; a tariff high enough to enable American producers to pay our workingmen American wages and so arranged that the workingmen will get such wages; a business tariff whose changes will be so made as to reassure business instead of disturbing it—this is the tariff and the method of its making in which the Progressive party believes, for which it does battle and which it proposes to write into the laws of the land.

The Payne-Aldrich tariff law must be revised immediately in accordance to these principles. At the same time a genuine, permanent, non-partisan tariff commission must be fixed in the law as firmly as the Interstate Commerce Commission. Neither of the old parties can do this work. For neither of the old parties believes in such a tariff; and, what is more serious, special privilege is too thoroughly woven into the fiber of both old parties to allow them to make such a tariff. The Progressive party only is free from these influences. The Progressive party only believes in the sincere enactment of a sound tariff policy. The Progressive party only can change the tariff as it must be changed.

Other Important and Pressing Questions

These are samples of the reforms in the laws of business that we intend to put on the Nation's statute books. But there are other questions as important and pressing that we mean to answer by sound and humane laws. **Child labor in factories, mills, mines and sweat-shops must be ended throughout the Republic.** Such labor is a crime against childhood because it prevents the growth of normal manhood and womanhood. It is a crime against the Nation because it prevents the growth of a host of children into strong, patriotic and intelligent citizens.

Only the Nation can stop this industrial vice. The States cannot stop it. The States never stopped any national wrong—and child labor is a national wrong. To leave it to the State alone is unjust to business; for if some States stop it and other States do not, business men of the former are at a disadvantage with the business men of the latter, because they must sell in the same market goods made by manhood labor at manhood wages in competition with goods made by childhood labor at childhood wages. To leave it to the States is unjust to manhood labor; for childhood labor in any State lowers manhood labor in every State, because the product of childhood labor in any State competes with the product of manhood labor in every State. Children workers at the looms in South Carolina means bay-

onets at the breasts of men and women workers in Massachusetts who strike for living wages. Let the States do what they can, and more power to their arm; but let the Nation do what it should and cleanse our flag from this stain.

Modern industrialism has changed the status of women. Women now are wage earners in factories, stores and other places of toil. In hours of labor and all the physical conditions of industrial effort they must compete with men. And they must do it at lower wages than men receive—wages which, in most cases, are not enough for these women workers to live on.

Votes for Women Theirs by Right

This is inhuman and indecent. It is unsocial and uneconomic. It is immoral and unpatriotic. **Toward women the Progressive party proclaims the chivalry of the State.** We propose to protect women wage-earners by suitable laws, an example of which is the minimum wage for women workers—a wage which shall be high enough to at least buy clothing, food and shelter for the woman toiler.

The care of the aged is one of the most perplexing problems of modern life. How is the workingman with less than five hundred dollars a year, and with earning power waning as his own years advance, to provide for aged parents or other relatives in addition to furnishing food, shelter and clothing for his wife and children? What is to become of the family of the laboring man whose strength has been sapped by excessive toil and who has been thrown upon the industrial scrap heap? It is questions like these we must answer if we are to justify free institutions. They are questions to which the masses of people are chained as to a body of death. And they are questions which other and poorer nations are answering.

We progressives mean that America shall answer them. The Progressive party is the helping hand to those whom a vicious industrialism has maimed and crippled. We are for the conservation of our natural resources; but even more we are for the conservation of human life. Our forests, water power and minerals are valuable and must be saved from the spoilers; but men, women and children are more valuable and they, too, must be saved from the spoilers.

Because women, as much as men, are a part of our economic and social life, women, as much as men, should have the voting power to solve all economic and social problems. **Votes for women are theirs as a matter of natural right alone; votes for women should be theirs as a matter of political wisdom also.** As wage-earners, they should

help to solve the labor problem; as property owners they should help to solve the tax problem; as wives and mothers they should help to solve all the problems that concern the home. And that means all national problems; for the Nation abides at the fireside.

If it is said that women cannot help defend the Nation in time of war and therefore that they should not help to determine the Nation's destinies in time of peace, the answer is that women suffer and serve in time of conflict as much as men who carry muskets. And the deeper answer is that those who bear the Nation's soldiers are as much the Nation's defenders as their sons.

Public spokesmen for the invisible government say that many of our reforms are unconstitutional. The same kind of men said the same thing of every effort the Nation has made to end national abuses. But in every case, whether in the courts, at the ballot box, or on the battlefield, the vitality of the Constitution was vindicated.

The Constitution a Living Thing

The Progressive party believes that the Constitution is a living thing, growing with the people's growth, strengthening with the people's strength, aiding the people in their struggle for life, liberty and the pursuit of happiness, permitting the people to meet all their needs as conditions change. The opposition believes that the Constitution is a dead form, holding back the people's growth, shackling the people's strength but giving a free hand to malign powers that prey upon the people. **The first words of the Constitution are "We the people," and they declare that the Constitution's purpose is "to form a perfect Union and to promote the general welfare." To do just that is the very heart of the progressive cause.**

The Progressive party asserts anew the vitality of the Constitution. We believe in the true doctrine of states' rights, which forbids the Nation from interfering with states' affairs, and also forbids the states from interfering with national affairs. The combined intelligence and composite conscience of the American people is as irresistible as it is righteous; and the Constitution does not prevent that force from working out the general welfare.

From certain sources we hear preachments about the danger of our reforms to American institutions. What is the purpose of American institutions? Why was this Republic established? What does the flag stand for? What do these things mean?

They mean that the people shall be free to correct human abuses.

They mean that men, women and children shall not be denied the opportunity to grow stronger and nobler.

They mean that the people shall have the power to make our land each day a better place to live in.

They mean the realities of liberty and not the academics of theory.

They mean the actual progress of the race in tangible items of daily living and not the theoretics of barren disputation.

If they do not mean these things they are as sounding brass and tinkling cymbals.

A Nation of strong, upright men and women; a Nation of wholesome homes, realizing the best ideals; a Nation whose power is glorified by its justice and whose justice is the conscience of scores of millions of God-fearing people—that is the Nation the people need and want. And that is the Nation they shall have.

For never doubt that we Americans will make good the real meaning of our institutions. Never doubt that we will solve, in righteousness and wisdom, every vexing problem. Never doubt that in the end, the hand from above that leads us upward will prevail over the hand from below that drags us downward. Never doubt that we are indeed a Nation whose God is the Lord.

And, so, never doubt that a braver, fairer, cleaner America surely will come; that a better and brighter life for all beneath the flag surely will be achieved. Those who now scoff soon will pray. Those who now doubt soon will believe.

Soon the night will pass; and when, to the Sentinel on the ramparts of Liberty the anxious ask: "Watchman, what of the night," his answer will be "Lo, the morn appeareth."

Knowing the price we must pay, the sacrifice we must make, the burdens we must carry, the assaults we must endure—knowing full well the cost—yet we enlist, and we enlist for the war. For we know the justice of our cause, and we know, too, its certain triumph.

Not reluctantly then, but eagerly, not with faint hearts but strong, do we now advance upon the enemies of the people. For the call that comes to us is the call that came to our fathers. As they responded so shall we.

"He hath sounded forth a trumpet that shall never call retreat,
He is sifting out the hearts of men before His judgment seat.
Oh, be swift our souls to answer Him, be jubilant our feet,
Our God is marching on."

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2.

MODE OF COUNTING THE ELECTORAL VOTE.

SPEECH

OF

HON. NEWTON BOOTH,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

JANUARY 12, 1877.

WASHINGTON.
1877.

SPEECH

OF

HON. NEWTON BOOTH.

Mr. BOOTH. Mr. President, I gave notice on Monday that I would speak to-day on the resolution that I had the honor to introduce.

The PRESIDENT *pro tempore*. The resolution will be considered as before the Senate and will now be read.

The Chief Clerk read the resolution, as follows:

Resolved, That in counting the votes for President and Vice-President of the United States whose terms are to begin on the 4th of March, 1877, the following rules be observed:

One. The President of the Senate *pro tempore* shall report the certificate of each State before handing it to the tellers. It shall then be the right of any Senator and of any member of the House of Representatives to object to the counting of the votes of said State; which objection shall be reduced to writing. Upon objection being made, the President of the Senate *pro tempore* shall rule whether or not the votes of said State shall be counted, and for whom. Any Senator or member of the House of Representatives may appeal from said ruling; which appeal shall be reduced to writing. Upon appeal being taken, the two Houses shall immediately separate, and each shall convene in its own Chamber without delay.

Immediately on the convening of each House its presiding officer shall submit the following propositions, in the order herein named, which shall be decided without debate:

1. Shall the ruling of the President of the Senate *pro tempore* upon the counting of the vote of the State of ——— be affirmed?

2. How many votes of the State of ——— shall be counted?

3. For whom shall the votes of the State of ——— be counted?

Upon each proposition each Senator and each member of the House of Representatives shall announce his vote *viva voce*, and it shall be entered upon the Journal.

The Journal of each House of the proceedings of that meeting shall then be read and approved, and no other business shall be in order.

The two Houses shall then assemble in the Chamber of ——— for the purpose of continuing the count.

Two. When the President of the Senate *pro tempore* shall have received two or more packages purporting to contain the certificate of the votes of the same State, he shall open and report all of said purported certificates, and then rule for whom the votes of said State shall be counted. Any Senator or member of the House of Representatives may appeal from said ruling; which appeal shall be reduced to writing. Upon appeal being taken, the two Houses shall separate, convene in their respective Chambers, and the same proceedings shall be had as prescribed as in Rule 1.

Three. A complete record of the proceedings when the two Houses are assembled together, and of the proceedings of each House, together with all the certificates and purported certificates of the votes to the counting of which objection has been made, shall be submitted to the justices of the Supreme Court of the United States for their decision.

The Senate and House of Representatives may each appoint a committee of three to present the cases to the justices, subject to such rules as the justices may prescribe. If the justices deem it essential to a final determination, they may, in their discretion, receive as evidence the official acts and proceedings of any State officer or board of State officers and the reports of any committee appointed by either House of Congress.

The Chief-Justice shall transmit to the President of the Senate the decision of the majority of the justices upon each case of contested votes, when all the cases have been decided, whereupon the two Houses shall assemble in the Chamber of ———, and the contested votes shall be counted in accordance with such decision.

Mr. BOOTH. Mr. President, one of the difficulties of the present complication in regard to counting the electoral vote arises from the fact that the plan for the election of a President was devised to meet a condition of society essentially different from ours. The authors of our Constitution designed in part to fetter and restrain the democratic spirit and tendencies of this nation. They deemed it unwise to trust the people with the immediate choice of their Chief Executive. The people of each State were to choose certain eminent citizens who were to make the selection for them, and even without their knowledge.

One of the most distinguished authors of the Constitution said that it was contrary to the spirit of that instrument for an elector to divulge his vote before the certificates were opened; the people were to be in ignorance as to who their President should be until the official announcement; and that the reason why upon a failure of choice by the electoral votes the House of Representatives was required to elect *immediately* was to prevent the influence of foreign powers from controlling the choice and reducing our Government to practical vassalage! Now we should as much expect the choice of a President to be controlled by the conjunction of the planets, the influence of the stars, or phases of the moon, as by foreign nations; and so far from the electors making a President have we drifted that at the late election as little attention was paid to the constitutional provision concerning their eligibility as to a text of the Koran or a chapter of the Talmud. The existence of such a provision to the mass of voters was a discovery or a revelation after it had been violated. Spirit is stronger than letter. Life finds its own channel—political growth its own form.

The problem before us to-day, and which engages the anxious attention of us all, is not to make a President, but to determine who has been made President under the forms of a law whose spirit is obsolete in a method which will satisfy the moral sense and command the moral support of the American people.

The emergency is a grave one. I do not think its dangers have been exaggerated. The rock is in the channel; if we drift we shall strike it. If passion steer, we shall run upon it. To be clear in his great office the President of the United States must hold by an undoubted title. Possession will not sanctify it; arms cannot sustain it; submission cannot justify it.

We may endeavor to reason ourselves into the philosophy of regarding the Presidency as a place, in the language of the Senator from Vermont, to sign appropriation bills and commissions for postmasters, but it still remains a glittering prize of ambition, imperial in power and patronage, royal in opportunity for good and evil; kingly in everything save crown and title. Lawfully held and worthily filled it is the highest political position on earth. But the magnitude of the office as a personal possession is dwarfed into insignificance when compared to its importance to the country.

Every four years the American people meet in committee of the whole on the state of the nation and their report is rendered in the choice of a Chief Magistrate. In making that choice every political question that touches the honor, progress, and well-being of the country is considered. Policies, laws, institutions, character, are assailed and defended; the past is reviewed, the future predicted; nothing is too sacred to be questioned; patriotism and prejudice, reason, imagination, and passion, are appealed to until the whole public mind is agitated and inflamed with a single thought and desire.

In other republics in history this agitation has shaken the very

foundations of social order, and to avert that danger they have established or submitted to dynastics; preferring the calm of despotism to the stormy sea of liberty. In existing republics the choice of a chief executive officer is a question of force, an occasion of revolution and a cause of anarchy. In our own generation we have seen two great historical forces, moral and political, come in conflict around the election of our President and culminate in the bloodiest civil war of modern times.

The great difficulty we confront to-day is one of the results of that war. It is the groundswell of the ocean not less perilous to the ship of state than the storm itself.

I know the people as a body want peace. So they did sixteen years ago. Who shall say that the forces and antagonism may not be evoked by a contested election which were by a contest for an election?

Sir, we must provide in advance the method of settling that contest, or we shall be at the mercy of chance and accident when the imprisoned winds of passion are loosed on the sea of public opinion. What chance and accident may bring, no one can predict. Certainly a scene of confusion and turbulence which would convert a solemn occasion to one of unseemly violence, and degrade us in the eyes of the civilized world; certainly in a loss of our self-respect, and of the confidence of the world in American statesmanship; certainly in a weakening of the respect for the constituted authorities which is their moral support, and a growing distrust of that form of government which has cost so much; at best the inauguration of a President to to whom a large portion of his fellow-citizens would render not homage, respect, willing obedience, but contumely, reproach, and sullen discontent; in an administration embarrassed, hampered, and fettered at every step—incapable at home, insignificant abroad; possibly a divided government with contending chiefs and factions, anarchy, and war. Whoever leaves out of calculation the emotions, prejudices, and passions of human nature omits the great factors from the problem of life.

I have no words of condemnation strong enough for the men who in this time of supreme difficulty appeal to passion, foment disorder, and threaten violence.

Every consideration of patriotism and wisdom requires calm deliberation and prudent forbearance. The responsibility of a solution is upon the American Congress. The patriotism, love of order, respect for law of the people can find expression in memorial and petition, through public meetings, and the public press; it can only find organized form and action here. Time is precious. Every hour brings us nearer the hour when agreement will be difficult or impossible, or action too late. We shall take no step forward by charges and counter-charges of violence and fraud. It is but too evident that our Centennial has not brought the millennium.

We shall reach no conclusion by arguing with each other disputed propositions of law and fact. We shall end as we begin, in disagreement. Each may be strengthened in conviction, until pride of opinion forbids concession or retreat and makes arbitrament impossible.

It is clear as daylight to the eye that no plan can be now or at any time agreed upon which will produce a fore-known result. You and I may have convictions as to the law of the case strong as proof of Holy Writ. Senators on the other side are as strongly intrenched in their opinion as we in ours. Neither can enforce his opinions save by the employment of force or in that sullen acquiesence in the pres-

ence of force and for the sake of peace which is scarcely better than resistance. It is as morally certain now as it will be certain in fact then that on the 14th of February the two Houses of Congress will differ as to the legal result of that day's proceeding. It will be the old problem of an irresistible force and impenetrable object, but with the added awful interest, the fate of this Government between.

With the certainty of this disagreement, the eyes of the people have instinctively turned to that august tribunal established to decide the highest questions of law which can arise in this Government.

Through that tribunal I believe a settlement can be devised which will commend itself to the sense of justice and propriety of the country and reconcile the losing party, whichever that may be, to defeat.

In the resolution I have presented for the consideration of the Senate I have endeavored to devise a method of making a record which will bring the legal questions involved before the justices of the Supreme Court for their arbitrament.

There are three theories in respect to power and jurisdiction in this question. Without some tribunal to decide where the power and jurisdiction are "the rest is chaos."

First. There is the theory that the President of the Senate has the absolute right conferred by the Constitution to determine the validity of the votes of each State.

Secondly. That the votes of no State can be counted without the consent of both Houses of Congress.

Thirdly. That the votes of no State can be rejected without affirmative action of both Houses.

The recent suggestion that the House of Representatives has the sole authority to decide upon the votes for President, and can confer upon itself the opportunity to elect, would be the most original discovery if it were not the most unique invention in American politics and the concession that the Senate has a similar authority and prerogative as to the Vice-President is an insignificant tender to a leviathan monster.

The second and third theories would still leave undetermined the votes of States which have sent double returns and how many votes a State is entitled to that has selected inelegible electors if the Houses shall differ.

The resolution contemplates that all these questions shall appear of record and authorizes the tribunal appointed, if it is deemed essential to the final determination of either, to take cognizance of all the facts of which Congress has official knowledge.

It may be suggested that the justices of the Supreme Court would not exercise the power conferred.

Sir, if in this exigency the Congress of the United States believes it to be necessary, they cannot refuse. Honor, patriotism, and gratitude alike forbid.

I do not intend to discuss the legal questions involved in this controversy further than is necessary to a brief expression of my own opinion.

The calcium light of reason and investigation has been thrown upon the clause of the Constitution in relation to counting the electoral votes to ascertain in whom the authority is vested to determine the validity of the votes, and nothing has been discovered because nothing is there. When the authors of the Constitution said "the votes shall then be counted" they meant simply the act of enumeration. There was nothing judicial about it. It was rather clerical than ministerial. It was a question of addition, which an intelligent page could

perform as well as Euclid or Sir Isaac Newton, as well as Mansfield or Marshall. The decision as to the validity of votes and counting them are acts as distinct in fact and different in nature as the judgment of a court and the mechanical impression of the seal. In that view, the resolution of the Senate of the first Congress, that the President of the Senate should count the votes, has no significance in this question.

When the Constitution was framed the States were organized governments, fully equipped and in successful operation, while the government created was an experiment.

It was not anticipated that by any defect of State government or administration the question which we confront would ever arise, and it was not provided for. Perhaps if it had been anticipated it could not have been provided for in express terms without so exciting the jealousy of the States as to embarrass the adoption of the Constitution.

In the early debates in Congress we find many arguments against the authority of Congress to reject the votes of a State, none I think against the authority of the President of the Senate, for the proposition that he conld was never entertained or conceived.

Regarding this question in the light of precedent and experience—recalling the facts of history—States in rebellion, their governments, the organized machinery of revolution, passing throngh all the phases of civil war and reconstruction—the proposition that the power to determine their relation to the General Government is vested absolutely in the President of the Senate, in the absence of express words, seems to me incredible. Does any one suppose if such a proposition had been submitted to the convention that framed the Constitution it would have been seriously considered?

In my judgment this power is neither ministerial nor judicial, but political, and in the absence of express provision is vested in the Congress of the United States. The resolution I have offered accordingly provides that the decision of the justices shall be adopted by Congress. Their decision could not be enforced by any sanction known to the law, but is an appeal to honor and good faith in the interest of peace and good government.

Upon the other questions I shall only express the opinion that the certificate of returns, when regular upon its face, makes a *prima facie* case, which it requires the affirmative action of both Houses to overrule, and that when there are donble returns the *prima facie* case is with that of the government *de facto*. I hold these opinions with unfeigned respect for those who differ. Who shall decide between ns? Who shall decide between the two Houses of Congress? There are but two appeals; the one is to law, the other to arms.

Mr. President, in the great problem of hnman existence the important part has been assigned to the American people to solve the question of a continental repnblic. That qnestion was never more difficult than now. It demands a wisdom and forbearance which are above statecraft. Our wide country with its varying conditions of life could not fail to produce strongly distinct types of character and society. We have not the strong kinship of blood. We have the antagonism of races. We have four million inhabitants suddenly emancipated from generations of servitnde and enfranchised with the rights and privileges of a citizenship which no other people have ever attained except by generations of experience. The passions of the country are scarcely cooled from the white-heat of civil war, and the revolutionary element which exists at all times in every civilized society was never so powerful in our country as to-day.

These are conditions which in any other age and country would inevitably result in separation or despotic form of government; but liberty and union are the immediate jewels of our soul, dearer than life.

The responsibilities of public position were never more solemn. Our personal interest, the interest of our personal advancement, Mr. President and Senators, in any public question is inconsiderable. Life owes us nothing. We have no account against fate. If the book were closed now the balance would be against us. We have each, in honors, consideration, all that makes life attractive, received more than we have given, more than we deserve. Behind us is a past sanctified by the dead who have died for our country and theirs. Before us is the illimitable possibility of national honor and usefulness. Around us are forty million people, bearing life's burdens, toiling, suffering, hoping, trusting. They ask peace. It is for us to give or to refuse.

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SPEECH

OF

HON. C. T. BOTTS,

DELIVERED AT

SANTA ROSA, CAL., OCTOBER 12, 1869.

M. D. Carr & Co., Printers, 532 Clay St., S. F.

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SPEECH

OF

HON. C. T. BOTTS,

DELIVERED AT

SANTA ROSA, CAL., OCTOBER 12, 1869.

M. D. Carr & Co., Printers, 532 Clay St., S. F.

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CORRESPONDENCE.

SANTA ROSA, October 13, 1869.

HON. C. T. BOTTS,

Sir: Having, on the evening of the 12th inst., listened to your very able, logical, and convincing address upon the politics of the day; and well knowing that good effect will be produced by a dissemination of the views by you expressed, we respectfully solicit a copy of your address for publication.

Yours, respectfully,

JOHN C. BURCH,
BARCLAY J. HENLEY,
W. McCULLOUGH,
THOS. B. BOND,
WM. ROSS,
C. W. LANGDON,
SAM'L POTTER,
A. P. OVERTON,
ROBERT FARRAL,
M. JOHNSON.

TO MESSRS. BURCH, HENLEY, MCCULLOUGH, BOND, ROSS, LANGDON, POTTER, OVERTON, FARRAL, and JOHNSON,

Gentlemen: I regret that other avocations have prevented an earlier compliance with your very flattering request. From notes previously made I have reduced to writing, as nearly as I could, what I had the honor of saying (at least all that is worth repeating) to my fellow citizens of Santa Rosa on the occasion referred to.

I hope that your expectation of a good result from the publication may be realized. For my own part, I am inclined to think, that will be little read in this age which has nothing but the simple truth to recommend it.

Your ob't servant,

C. T. BOTTS.

SAN FRANCISCO, Oct. 18, 1869.

ADDRESS.

Fellow Citizens:

I am here to-night, by invitation, to address you upon the political topics of the day. We are met in council, the citizens of a common country, to take into consideration the condition of the country.

In spite of the fact that we possess a territory the richest and most extensive, in proportion to population, that the world ever saw, in spite of our resources, agricultural and mineral, developed and undeveloped, in spite of the bounties which nature has lavished upon us with an unsparing hand, we find ourselves groaning under a load of taxation greater than ever was before imposed upon a people by the most exacting despot. We see the country flooded with a fluctuating irredeemable paper currency. In the marts of commerce, in the walks of daily life, we are experiencing all the evils in which such a system is sure to culminate. We find our public credit lower than that of any nation in Europe—lower even than that of the "sick man" of Turkey. The fairest portion of the country, that portion that formerly furnished two thirds of our exports, is a desolation and a waste. In the face of the boast that we live under the freest government in the world, we see eight millions of our countrymen subjected to a military despotism—a despotism as costly as it is blighting. Our merchant marine, that once monopolized the largest portion of the carrying trade of the world, is reduced to comparative insignificance. The Capitol at Washington has been turned into a den of thieves; our servants have become our masters, whose exactions are only limited by their cupidity. Our Government is little better than a despotism, and nothing but our great natural advantages, the unbounded wealth that nature has bestowed upon us, prevents us from becoming the most wretched, as we are the worst governed, people amongst the civilized nations of modern times.

This is a fair and unvarnished statement of the present condition of the people of the North American States. I know that it has been the policy of a corrupt party and a venal press to hide these horrors from the public eye. They prate about prosperity in the midst of ruin, and they cry peace where there is no peace.

If we be indeed suffering from evils such as these, it behooves us as wise men to search for the cause that we may administer the remedy. For my part, I honestly believe that all these evils, and many others under which the country is suffering, and which have come upon us within the past ten years, are the result of radical rule, or rather I ought to say of radical misrule. To be more ex-

plicit, I declare that they are the result of a departure from the simple principles of the Democratic party, and that nothing can restore us to our former prosperity but an unqualified return to those principles.

In connection with the proposition just enunciated, I propose to enter upon a brief history of the origin and progress of the Democratic party. I do this because there are some facts in connection with that history that have nearly passed into oblivion in the common mind, a recurrence to which is absolutely necessary to distinguish the abstract theory of the party from the transitory questions in which that theory found, from time to time, practical embodiment. A confusion of ideas upon this point leads to the oft-repeated remark that the old questions that divided the Democratic party and their opponents are dead issues, and that it is the part of wisdom, forgetting the past, to look only to the present and the future. In the first place, how are we, I should like to ask, to judge of the future except by the past? It is not difficult to understand why our political opponents should be desirous to take their own case out of the general rule. It was upon these issues they would now have us ignore, fairly presented before the American people, that for sixty years we invariably routed them, "horse, foot and dragoons." It is not surprising that they should desire to cast the veil of oblivion over the history of their defeats. But for us, Mr. Chairman, if we had nothing else, we could live upon the glorious memories of the past, and soothe our souls with the songs of our ancient triumphs. There never were but two popular parties in the United States. They divided, first, upon the extent of the powers that *should be*, and secondly, upon the powers that *had been*, granted to the Federal Government. These differences never have been and never will be reconciled so long as the Constitution exists, or until all men are agreed upon the form of government best adapted to the peculiar circumstances of the American people.

When the thirteen American colonies emerged from the war that secured their independence, they found themselves united in a confederation pure and simple. By the terms of the agreement known as "The Articles of Confederation," the union was declared to be perpetual, and no amendment was to be made except with the unanimous consent of the States composing the Confederation. Yet, from this *perpetual* union nine States seceded, and established another and very different compact, known as the Constitution of the United States. This was the first act of secession occurring in our history. Yes, strange as it may sound in the ears of the "trooly loil," the fact is undeniable that our boasted Union, secession from which is treason, was, itself, the result of secession. From which we must infer that secession is neither

right nor wrong in itself, but is to be punished or lauded as the seceders are more or less numerous.

The Articles of Confederation did not work well; they were found to be defective in many respects, but chiefly in this: that the only means of supplying the common exchequer was by Congressional requisitions upon the States, which requisitions the States sometimes delayed or disregarded with impunity. So that when the Convention met in 1787 for the purpose of suggesting amendments to the Articles of Confederation, it was pretty unanimously agreed that upon Congress must be conferred the power to impose taxes upon the citizens of the States, instead of upon the States themselves. A resolution to that effect was quickly adopted. This, it was soon seen, necessitated, in addition to the legislative, executive and judicial departments. In short, this new feature, the authority to act upon individuals, necessarily begat a judiciary for adjudication and enforcement. Truly this was a novel experiment in the science of government. The individual citizen responsible directly to two governments—the one the government of his native country, the other a foreign government in which his country had only a single voice; a subject of two governments with a recognition in the very instrument by which his new allegiance was created, that the crime of treason might be committed against either, so that if the two should ever be at war the poor devil would be in a condition where, do what he would, he must necessarily incur the penalties prescribed for treason by the one or the other. Thus we had, and have, sovereign governments with their citizens subject to the control of another government—States separate yet united, governments within a government, *imperia in imperio.*

The difficulties like to ensue from this hydra-headed monster troubled the minds of some of the ablest men in the convention. Mr. Hamilton and Mr. Madison were particularly exercised in relation to it. The latter urged with great strenuousness the necessity of a Supreme head, without which, he declared, a conflict between the States and the Federal government to be inevitable. For this purpose he proposed to subject all State laws to the control and revisal of the central power. Then and there sprung into existence, the "States Rights" party. Every proposition of the kind was met with indignation, and sternly voted down, and when at a subsequent period, Mr. Randolph introduced a resolution, to give the Federal Government power "to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof," even Mr. Madison said: "The more he reflected on the use of force, the more he doubted the practibility, the justice, and the efficacy of it, when applied to people collectively, and not individually. An union of States, containing such an ingredient, seemed to pro-

vide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound." And the proposition was unanimously voted down.

The Convention found much difficulty in agreeing upon the powers that were to be surrendered by the States and conferred upon the Federal Government. Broadly, the members were divided into two classes, the first consisted of those, who feared that the Union would prove a rope of sand unless the conflicting interests of the several States could be subjected to the control of a strong central hand, and the other, of those, who saw in the grant of powers advocated by their opponents an overshadowing influence in the Federal head, that would sooner or later reduce the States to municipalities, and finally result in a consolidated government. The dread of such a result was based upon the consideration, that a people are only free and happy when they are divided into small communities of homogeneous manners, habits, and customs, where the law giver is placed in exactly the same circumstances as the governed, and where the interests of both and all are identical. They said, there is no safety for the man of Massachusetts, if his local laws are to be made by the representatives of Virginia and of Georgia. There can be no doubt, the smaller the community, the more nearly the government will represent the wishes and interests of every individual. The only objection to such subdivisions, is the lack of sufficient force for self-protection; this, it was proposed to remedy, by an union for general defence. From these views, it follows as a necessary consequence, that a common government, which includes communities of diverse prejudices, and conflicting interests, must be, as to the weaker portions, whose prejudices and interests are invaded, a tyranny. Never was a more despotic idea entertained than that conceived by the elder Napoleon, of subjecting the different nationalities of Europe, to a common government; and the crime consisted, not in the form of government that was to be imposed upon them, but in the fact of a *common* government. It was this mad project of an universal union, that armed all Europe against him, and assigned its author to St. Helena. Why, Mr. Hamilton, who was in favor of consolidating the States into a single government, whilst yet their population amounted to only three millions, admitted, that as that population expanded, diversities of interests, arising from difference of origin, of pursuits, of climate, of soil, and a thousand other causes, would compel a division of even the old thirteen States into several governments.

It was, then, I say, this difference of views, the fear of the

centrifugal force on the one hand, and of the centripetal on the other, that caused the greatest source of trouble to the framers of the constitution. They were split wide open upon this subject; the controversy became loud and angry. Those who sought to secure for the new government a supremacy over the States, were denounced as "Nationalists" because it was charged upon them that they sought to build up a national government at the expense of the States. On the other hand, those who professed a desire to preserve entire the sovereignty of the State governments with a league between them for mutual defence, were called "Federalists," a title derived from the latin word *fœdus*, signifying a league. The contest between these two parties was long and arduous. The Federalists were in a small majority from the first, and grew in strength as the convention progressed. So odious did the word *national* become, that at length finding that it had been used in two or three clauses already adopted, by a very decided vote it was ordered to be stricken out wherever it was found to occur, and thus it happens that it nowhere appears in the constitution of the United States. This is very significant, and will be strange news to those who are constantly prating about the greatness of this "nation" and about the national this and the national that. Strange, I say, will it be to such as these to learn, that the very question debated in that assemblage was whether the people of the several States should be united in one nationality, and that the proposition was rejected by an overwhelming majority. Although the minority at last repelled the imputation of the intention ascribed to them, by dint of preserverance and adroitness, they succeeded in slipping into the constitution a few clauses of a very indefinite character, which by a latitudinarian construction might be made to favor their peculiar views.

The constitution thus framed was submitted to the several States for their adoption or rejection. Then came the tug of war; it was assailed as creating a government instead of a simple confederation between the separate and independent States. It was argued that the grant of powers was illy defined, and that portions of the instrument were susceptible of a construction that would be fatal to the independence of the States. The opinion was universally expressed, that desirable as was a confederation for general defence and to regulate their intercourse with foreign nations, such confederation was dearly purchased at the sacrifice of a single tittle of the power of absolute control on the part of each State over its own domestic concerns. The whole people were Federalists. The friends of the Constitution almost despaired of its adoption. Article upon article was written, argument upon argument was made, for the purpose of proving that the jealous fears of the "States Rights" party were groundless. At last, after many misgivings, nine States, some of them by very lean ma-

jorities, were persuaded to adopt the Constitution; and this, only upon the distinct understanding that the first ten of the present amendments were to be immediately adopted, the object of which was still more to limit and to clearly define the extent of the granted powers; and with the express declaration upon the part of the New York Convention, embodied in their resolution of adoption, that the State reserved to herself the right of withdrawing from the league when in her opinion it ceased to enure to her benefit.

By the adoption of the Constitution in its present form, the Nationals were scotched, not killed. The name was too odious to be resumed; they now called themselves Federalists, and were so termed by their opponents, because they sought by construction to enlarge as much as possible the powers of the Federal government; whilst those who contended for a strict construction of that instrument, and demanded an express authority for the exercise of each and every power, were now called "States Rights" men, or, more conveniently, Republicans. The struggle has been going on ever since, and the Nationals are more numerous to day than they have ever been since the foundation of the government. It is from this party that the country has so much to dread.

By all odds the ablest, and perhaps the most jealous, of all the men of his day, of Federal usurpation, was Thomas Jefferson, of Virginia. Under the leadership of this distinguished statesman, the Republicans succeeded in expelling the elder Adams, and getting entire control of the executive and legislative departments of the government. The battle had been fought between the Nationals or Federalists, and the States Rights or Republican party, strictly upon the issues that divided them. John Adams planted himself upon the power of Congress to pass the "alien and sedition" laws, and Mr. Jefferson stood upon the celebrated Virginia resolutions in opposition to this and similar usurpations. It was upon this issue that the two leaders went to the country, and with the result I have just stated.

Mr. Jefferson was a man of warm and sympathetic nature; from a bitter experience of personal and public injuries inflicted by British troops, he was a prejudiced enemy of England, and of monarchies in general. His noble heart was filled with a lively sense of gratitude to the French people for the distinguished services they had rendered his beloved country in her struggle for independence; he was an honored guest of France during the incipient stages of the French revolution. Is it to be wondered at that he should sympathize with a down-trodden people in their struggle against a cruel and tyranical aristocracy, or that this sympathy should find expression in his writings? When the excesses into which these poor ignorant masses unfortunately fell, had shocked the civilized world and thrown odium upon the name

of democracy, then, in reproach, his opponents dubbed Mr. Jefferson and his followers "Democrats." As in other instances, what was intended as a stigma, from the great worth of the censured, became an honor; and like the cross, that which had been a badge of infamy, became an emblem of glory.

You have now before you the origin, nature and characteristics of the party, and the derivation of the name by which it has been known in modern times. I desire to impress upon your minds that the very foundation stone, the basis of the Democratic theory, is the necessity of guarding with a jealous eye the reserved rights of the States, and of refusing to yield to the Federal government, either by express grant or constructive implication, any powers that will interfere with the exercise by the State Governments of an absolute control of their own domestic concerns. This was the published and spoken theory of the founders of the Democratic party; it was indubitably the great issue between the parties of that day; it lay at the bottom of all the intervening issues between the Whigs and the Democrats, and it underlies the issues of to day between the Democrats and the Black Republicans. I say, that the questions, first as to what powers *should be* yielded, and secondly as to what *have been* yielded to the Federal government, have constituted the only great division between political parties in America; the one party constantly seeking to enlarge, the other to contract the sphere of Federal action. Under what was called the implied powers, a bank of the United States was chartered, and the great Federal leader, John Marshall, from his seat on the bench of the Supreme Court, upheld the constitutionality of the act, and maintained the power of Congress to establish such an institution within the jurisdictional limits of a State, however contrary to the declared policy of the State it might be to tolerate such a corporation within her borders. I remember well the time when this decision was still denounced as one tainted with the political errors of the Chief Justice, that subtle intellect, that clever sophist, that zealous politician, that inveterate advocate of Federal power, the late John Marshall, of Virginia. These things are almost forgotten now, but I remember when the name of Marshall was as odious to a Democrat as was ever that of Taney to an abolitionist. When the Republican party carried the country in 1800, and succeeded in elevating Mr. Jefferson to the Presidential chair, they held the supremacy also in both houses of Congress; but the Federalists retained the command of the Supreme Bench. The Judges, appointed chiefly by Mr. Adams, were of course Federalists, and it was through the Court that the party hoped to checkmate their opponents and the expressed will of the people. Nor did they reckon without their host. There is no branch of the government that so moulds the popular idea of the Constitution to its own views as the Amer-

ican Judiciary. Being then in possession of the Bench, the judges holding by a life tenure, they sat upon the shoulders of the Democratic party as the "old man of the sea" upon the shoulders of Sinbad. They died out at last, but they left their mark behind them, and the most fearful thing we have, to day, to encounter in defending our States Rights principles, is the adverse decisions of these old Federal judges.

But, to return to the subject of the Bank: The Democratic party did not admit that the decision of the Supreme Court, in the case of "McCulloch *vs.* The State of Maryland," was conclusive of the power of Congress to charter the Bank. The doctrine that the Supreme Court of the United States is the final arbiter of the limits of Federal power, is one of modern invention, and of Whig invention at that. Our Democratic forefathers were far too wise to be caught with such chaff as this. They saw that to make the Federal Government, or any branch of it, the judge of the extent of its own powers, is to make those powers just what the government chooses to declare them—in other words, to convert a government of limited into one of unlimited powers. Indeed, if this power of construction were to be granted to any branch of the Federal Government, it would be safer and better to lodge it with the legislative than the judicial department, because in the former branch it may at least be said that the States, whose rights are in question, are represented. No, the Democratic party of that day said, Courts are instituted to decide cases, and not to settle principles for political parties; that is a power inherent in the people, which they never have delegated, and never can delegate, to their agents. So they toiled and struggled against the moral influence of the Court, until finally General Jackson crushed the monster under his iron heel. What a day of triumph that was to the Democrats, and what a wailing and gnashing of teeth there was amongst the upholders of implied powers in the Federal Government! The bank issue died out; but remember, it was extinguished only by the triumph of the Democratic theory.

What is the present condition of things? Where are the Jackson men that so loudly denounced the monster? To-day we have not one but hundreds of National Banks, and, until it failed, one of them was forced upon us here in California, in the face of the 35th Sec. of our State Constitution, which is in these words:

"The Legislature of this State shall prohibit, by law, any person or persons, association, company, or corporation, from exercising the privileges of banking or creating paper to circulate as money."

The members of the convention that framed that constitution were Democrats—those who tolerate a violation of its provisions, are not.

Next, under the general welfare clause, the Nationals, Federalists, or Whigs—for as they became odious under one name they assumed another—claimed for the central power the right to appropriate the common fund to internal improvements within the limits of the several States. Here was an unlimited field for the exercise of Federal favoritism, Federal patronage, and consequently of Federal ascendancy. The Democrats took the alarm at once, and after a severe struggle the advocates of this power went to the wall, and the subject was admitted to be entirely within the control of the States.

Next, the question of Federal power to direct and control labor by means of a protective tariff was raised by the government party. This question, as the Democrats predicted it would, shook the Confederation to its centre in 1833; and although a compromise was patched up, by which it was agreed that the tariff should be gradually lowered to a revenue standard, that agreement has not been observed, and we are now afflicted with a system which portends nothing but danger and difficulty in the future.

Is it then true that the old issues have been settled? Which party has surrendered? are we, who admittedly overthrew the advocates of Federal power when they appeared successively as Nationals, Federalists and Whigs, now tamely to submit, when the same doctrines are advanced by Radicals or Republicans? More extravagant claims for Federal power, claims that would have put the elder Adams to the blush, are advanced to-day, than were ever advanced before. Are they to be submitted to without a struggle? Is this fair fabric of government, raised by your fathers, of which the States are the substratum and support, to be subverted and turned into a central despotism? Is your rule of conduct to be prescribed to you by the people of other localities, ignorant of your wants, and indifferent to your interests, or are you to live under the laws of your own enactment? Are you to govern yourselves, or are you to be governed by others? In short, are you to be free men, or slaves?

If you are Democrats, you must consider that the blessings of free government, and a continuation of the Union, itself, are involved in upholding the rights of the States, rights that are now so rudely assailed. There are in our system, two opposing forces, the just balance of which is absolutely necessary to the preservation of the system, itself. One is the tendency to separation, the other to consolidation. A little while ago, circumstances occurred that brought the danger of the one into bold relief; this has, in a measure, blinded us to the danger of the opposite extreme; we are like men in a boat, who finding it like to upset on one side, all rush to the other, and thus bring about the very catastrophe they seek to prevent. We tided over the danger of secession; will we escape the infinitely worse danger of

consolidation; for consolidation is the inevitable road, through much tribulation, to separation? It is only by a league between distinct separate and sovereign States, that any common government can be extended over this vast continent. Your true Democrat is your only true Unionist, and, our opponents, no matter under what guise they appear, are the unwitting enemies of republican expansion.

There never was a period in the history of this country so well calculated to excite the fears, and arouse the energies of a true Democrat. There is a systematic and determined attempt being made by the party in power, to denude the States of their most important rights, and to subvert our Federal system. For one proof amongst a thousand: There is one power reserved to the States, more important, perhaps, than any other, and of which, until lately, no man was bold enough to propose to deprive them, I mean the absolute power to regulate the franchise of suffrage, each for itself. The first attempt to invade this privilege, is found in the so-called 14th amendment. This attack was made with a trembling hand; it was put forth as a kind of feeler. The control of this privilege is still left with each State, only certain penalties are imposed unless it is exercised according to the views of the dominant party. Then, there is put before us the infamous proposition of the 15th amendment, which being adopted, we lose the absolute control of the subject, and have other States forcing upon us, a political partnership, to the evils of which they are not subjected, and to which they are therefore indifferent.

But say our opponents, if this amendment should be carried, it will become a part of the Constitution, and cannot, therefore, be complained of as an usurpation. Say nothing of the infamous means adopted by an unscrupulous party to carry this amendment, the sham vote of the Southern States, delivered at the point of the bayonet, a vote from which Louis Napoleon might take a lesson, the anti-republican measures every where taken to avoid the submission of the question to representatives elected on the issue; suppose it to be fairly carried, then, we say, it makes the confederation the very opposite of that government, we spent so much treasure, and so much precious blood to maintain. Think of the best Government the world ever saw, so it was termed by the radicals when they wanted us to fight for its preservation, so altered by those very Radicals, that the fathers who made it, would not know it!

I have said that the evils that are upon us, may be traced to a departure from the well established principles of the Democratic party. These evils are, in great part, the legitimate result of the late civil war, with all its attendant horrors of blood and hate, wounds that half a century will not serve to heal.

Whence came it, but from the violation of the Democratic theory, that each State must be left to manage its domestic affairs in its own way? If Northern fanatics, who were engaged in passing "personal liberty bills," had recognized this simple principle of democratic faith; if instead of mischievously interfering with the subject of African slavery, they had been content to leave to the Southern States unlimited control over their own domestic concerns, if there had been no abolition party, no attempt upon the part of the people of one State, to interfere with the domestic institutions of another, who believes that the harmony of this union, would ever have been seriously disturbed? And who are the Radical leaders, but Sumner, and Wade, and Wilson, men whose hands are now reeking with the best blood both of the North and the South? But say these gentlemen, why rip up old wounds? Why not let by gones be by gones? This claim might equally be preferred by every criminal who is arraigned before a Court of Justice. The evil doer cannot be permitted to escape under the cloak of a weak and silly platitude. The past of the Radical party, is indeed a tale of gloom and darkness, of sorrow and despair. No wonder that its leaders should seek to bury it in oblivion.

Let us now apply these general principles to the questions of the day. We are at issue with the dominant party upon three important points, viz: the manner and mode of discharging the public debt, the treatment of the so-called rebel States, and the 15th Amendment.

As to the public debt, we demand, 1st, an economical administration of the government,—2dly—a tariff constructed solely with an eye to revenue. 3dly—a repeal of the law creating a bonded aristocracy, and 4thly, that the debt shall be discharged exactly according to the terms of the contract.

Whenever the duty imposed upon an article is so high as to prevent importation, it, of course, affords no revenue to the government. Nevertheless, the consumer pays the duty. He now pays it as a bounty to the home producer, instead of paying it into the coffers of the government. We have the means of ascertaining the amount of duties we pay to the government, and these we pay cheerfully, because they go to alleviate the burden of our debt. But there is hardly an article of American manufacture upon which you do not pay a bounty of forty per cent. to the domestic producer. The amount of this secret, hidden and uncounted tax is enormous. You have only to remember that the coat of American cloth, for which you pay twenty-five or thirty dollars, is sold in England for ten or twelve. So with a hundred other articles of general consumption, in which the duty has given the home producer a monopoly. You have only, I say, to make such a reckoning as this, to perceive that you are paying four

times as much to the American manufacturer as to the government. This is called protection to American industry. But at whose expense, let me ask, is this protection afforded? Why, at the expense, of course, of the American people. So that if all industries were equally protected, it would come to this, that the American people protect their own industry at their own expense. If this were literally true, it would be a very silly but a comparatively harmless operation. But it is not true. The American industry, so-called, that is protected, is the industry of a favored class of manufacturers, who are protected at the expense of every other class in the community. Thus it is, that these lordly manufacturers count their wealth by millions, whilst the tillers of the soil, surrounded with all the blessings of nature, live in comparative poverty. This most unjust, partial and unconstitutional legislation is claimed by the supporters of Federal power to flow from the authority expressly granted to Congress to lay imposts and duties, in other words to raise revenue, for the purpose of paying the debts and providing for the general defence of the United States. Authority to raise money for the common defence is perverted into authority to oppress the many for the benefit of the few. Against this latitudinarian construction the Democratic party has protested in the loudest terms. That the party sustaining the exercise of this power should meet with favor in the Eastern and manufacturing States, I can well understand; but why they should receive a single vote in an agricultural State like this, is more than I can comprehend.

I said the effect of this system is to foster one kind of labor at the expense of others. I am wrong. The bounties bestowed upon manufacturers do not go into the pockets of the operatives. It is a few capitalists who reap the benefit. They combine to keep down wages and keep up prices, so that the hard-earned gains of one class go, not to benefit the laborers of another class, but to make richer the already bloated capitalist. Again, these princely manufacturers unite and form a "ring," as it is called, and in the halls of Congress use the wealth wrung from the people to bribe the people's representatives, and by increased protection double and quadruple their ill-got gains. All this is the result, long ago predicted by our party, of a protective tariff.

Opposed to all this, is the Democratic theory. Restrain, say we, the Federal government within its legitimate limits. Revenue is the sole and declared object for which the power is granted. Let this object be kept steadily in view. Leave the direction of industry to the sagacity and interest of the community, and it will inevitably flow into the most profitable channels. We say to the government—hands off; leave us to buy where we can buy cheapest, and sell where we can sell highest.

Now you have the two systems before you; choose ye between them!

It is the professed object of both parties to lighten the burden of the public debt in every way consistent with the preservation of the public faith. Let us see how the practice of our opponents square with their professions. In the first place, they have passed an act of Congress inhibiting the State governments from taxing the bonds of the United States. Never was there a bolder invasion of States Rights than is to be found in this infamous act. What clause of the Constitution confers upon Congress authority to control or limit the taxing power of the sovereign States of this Union? What becomes of a State if she is divested of the power to raise revenue for the support of her own government? If Congress may exempt one species of property from taxation, why not another? Why not all? The government of the United States has not even power to exempt from taxation her own property within the jurisdiction of a State. So well is this understood, that on the admission of Califorhia, the United States took care to stipulate that the State should never exercise her sovereign right of taxing the lands of the Federal government within her borders. And even Judge Marshall, in the case of *McCulloch* v. *The State of Maryland*, formerly referred to, admitted that by virtue of her sovereign and reserved right of taxation, the State could impose a tax upon the property of the bank and upon the stock held within the limits of her jurisdiction. Of course, he would have said, an act of Congress that abridged this reserved right would be unconstitutional and void.

This act of exemption is not less objectionable on account of its invasion of States Rights than because of its pernicious effects. It builds up in our midst a bonded aristocracy, a class of individuals who enjoy all the benefits of government without contributing a dollar to defray its expenses. The lordly bondholder insolently demands that his richly attired children shall be educated at the expense of the poor and toiling plough-holder. Is this reasonable? Is it just? If you think it is; if you are willing to be beasts of burden for a privileged class, go, and vote for the Radical candidates who have assisted to impose this great wrong upon you.

There is another most important issue between us and these cormorant bondholders. They claim that they have a right to have the principal as well as the interest of their bonds discharged in gold. In this demand they were not originally sustained by the leaders of the Radical party. The late Mr. Stevens, who was the ablest and boldest and most honest of their leaders, and Gen. Butler, who is not so remarkable for his honesty, and our own Senator, Cole, who is remarkable for nothing at all, and several other Radical members of Congress, denounced the demand as

preposterous. The facts connected with the issue of these bonds is not generally known. They were all issued under and by virtue of Acts of Congress, and the terms and conditions of payment can be none other than those therein specified. The case stands thus: By the Act commonly known as the "Legal Tender Act," it is provided that all debts, public and private, may be discharged in the currency known as "greenbacks." An Act of February 25th, 1862, provides for the payment of *interest*, in coin, on all bonds and notes of the government then outstanding. These two are the general Acts affecting the currency in which principal and interest may be paid. The Act of March 3d, 1863, authorized the sale of seventy-five millions of bonds, bearing an interest of six per cent. On these the *principal* and interest are both payable *in coin;* and, with the exception of the ten-forties issued under Act of March 3d, 1864, and a few five-twenties of 1864, these are the only bonds the principal of which is expressly declared to be payable in coin. All the other issues are based upon Acts providing for the payment of the *interest* in coin, leaving the principal subject to the general provisions of the Legal Tender Act.

With a knowledge of the law under which they were issued, which everybody is presumed, and must be presumed, to have known, these bonds were purchased. In gold, they were paid for at the rate of from 40 to 50 cents, an average, say, of 50 cents on the dollar. The holder, for six years, has drawn interest, in gold, at the rate of six cents on the hundred—that is, at the rate of twelve per cent. per annum on his investment; and now, when it is proposed to repay them in greenbacks, which in gold would be about 75 for his 50, the gentleman bondholder becomes highly indignant, and charges the honest people of the country, who for six years have toiled and sweated in his service, with repudiation and breach of faith. What insatiate leeches are these, who are sucking the life-blood of the country!

One word upon the subject of repudiation. It is an ugly word, and is expressive of an ugly thing. But it is enough to make one's gorge rise to see and hear the members of the present Congress turn up the whites of their eyes, draw down the corners of their mouths, and snuffle out that the Democratic party are going to repudiate the public debt. Why, they are covered all over, from the crowns of their heads to the soles of their feet, with the slime and filth of repudiation. They have repudiated the most honest portion of the public debt; they made it a condition precedent to the admission of the Southern States, that they should debase themselves to their own level by an act of repudiation; and they lowered the standard of public and private morals by authorizing individuals to repudiate their debts. Each and every one of these charges I am prepared to substantiate.

First—When they passed the Legal Tender Act, they not only paid the then existing debts of the Government in a depreciated currency, but they athorized and invited every citizen to do the same, a privilege of which, to their eternal honor be it spoken, the people of California indignantly refused to avail themselves.

Secondly—I say that the Radical Congress has repudiated the most honest portion of the public debt. They have passed repeated Acts forbidding the Court of Claims and the Departments from taking cognizance of any claims, preferred even by loyal citizens, for any property taken and used by the army and navy during the war. These claims have been estimated to amount to three or four thousand millions. Mr. Stevens, the Chairman of the House Committee on Appropriations, reckoned them at the former sum; and Mr. Wilson, the Third Auditor, thinks they might be brought within the latter.

Now, if there is one portion of this people more entitled than another to the favorable regard of the Federal Government, one would suppose it to be that portion of the Southern people who remained true to the Federal cause. And yet, when they come up to the Capital and ask to be paid a fair compensation for their private property, taken for the public use, those who administer the government they helped to sustain, turn their backs upon them, and refuse even to listen to them. And at whose instance, and for whose benefit, think you, these acts of repudiation were passed? Why, it was done at the behest of these same bondholders, who were afraid that the value of the public securities held by them would be impaired if the unaudited debt should even be audited. And it is these very same repudiating bondholders who pretend to be horrified at what they unjustly stigmatize as the repudiating feature of the Democratic platform!

In all this I have stated nothing but facts, which an examination of the record will verify.

I pass now to the important question of the proper mode and manner of dealing with the people of the so called rebel States. The Radicals propose to treat the Southern States as conquered provinces, and to use the negro as an engine by which to subject them to radical rule. The Democratic doctrine is, that these States should at once be recognized as members of the Federal Union, and admitted to all the privileges of other members of the Confederation.

The Radical party consider it absolutely necessary to subject the Southern States to military rule. They say, "Yes, but only temporarily." We ask: For what length of time? The answer is: "Until, by military power, we have inaugurated a civil government, which is to be so constructed as to put the whole power into the hands of a miserable minority of the white inhabitants of those States." This is the unvarnished truth, and it is the answer

that any candid Radical will make to our question of the proposed duration of the existing military governments in the Southern States. The Radical scheme is, then, to continue indefinitely a form of goverment in which the white majority shall be subjected to a minority composed of a few white adventurers and a mass of illiterate, ignorant blacks. I submit to every candid man, is not this the Radical programme?

This question being answered, as it must be, in the affirmative, the next question we have to ask is, or rather the next questions are, first, Is this programme constitutional? Secondly, Is it wise?

There are certain inhibitions upon the powers of Congress contained in the amendments to the Constitution that amount to a "bill of rights," and they are often referred to under that name. For instance: it is provided that no man, unless he be in the military or naval service of the United States, shall be deprived of the right of trial by jury. This is a declaration, that all men are entitled to jury trial. But, under this military government, eight millions of men are denied the right of trial by jury. It is said that the people of the Southern States are a conquered people, and, until they are admitted into the Union, are not entitled to the protection of the Constitution.

Now, granting that the so called rebel States are foreign and conquered nations, it by no means follows, that Congress may establish over them a despotic government. That they cannot become States of the Confederacy without the consent of Congress, is unquestionable, because to Congress alone is granted the power of admission. And the authority to establish some form of government over the territories has, from the necessity of the case, been so long acquiesced in, that it is almost too late to altogether deny it; but it is equally well settled that this power is by no means despotic, and that in its exercise care must be taken that no man is deprived of those rights secured to all by those provisions which, as I have said before, are sometimes referred to as constituting the "Federal Bill of Rights." That these provisions enure to the benefit of all persons within the Federal jurisdiction, was unequivocally admitted by Judge Curtis, in his opinion in the Dred Scott case. This was a dissenting opinion, and it was the corner-stone of the Republican faith, and Judge Curtis was the Magnus Apollo of the free-soilers. The dominion of the Government of the United States is the dominion of civil liberty, and to acquire territory is to extend the area of freedom. Wherever your arms may penetrate, they carry to every individual who may be brought within your jurisdiction, if charged with crime, the right to a "speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed." The Constitution of the United States was established to secure

the "blessings of liberty," and when those who derive all their powers from it establish a tyranny, they are not only acting, as Mr. Stevens said, outside of it, but in direct opposition to its most sacred injunctions.

Mr. Douglas went much further, and contended, that there was an inherent, inalienable right in every community to regulate its domestic affairs in its own way; that this right was openly proclaimed in the Declaration of Independence, and that there was nothing in the Constitution of the United States to take it away. This was his great doctrine of "Popular Sovereignty," applied to the people of the territories of the United States. With what face can the followers of Mr. Douglas uphold the constitutionality of the Reconstruction Act—an Act which establishes over the territories of the United States an arbitrary military government, depriving individuals of trial by jury, and entirely ignoring their right to manage their domestic affairs in their own way?

So much for the constitutionality of the measures that the Radical party, having inaugurated, propose to continue for the government of eight millions of the American people. To my mind, these measures are not less *impolitic* than *unconstitutional*.

We have in these Southern States a population of eight millions of whites, occupying the most fertile portion of the United States—a people second to none in energy, culture and courage; a race that has furnished its full quota of statesmen, warriors and scholars. Shall we make of such a people friends or enemies? Let England's experience with Ireland answer the question. We know what the products of this region have been, and how much it has contributed to the national wealth. For want of it, the commerce and manufactures of the North and East are languishing. Is the Radical policy likely to restore it to us? We see the result of four years' operation of the measures they have inaugurated. The country, the finest region of the globe, a desolation and a waste; labor disorganized and society upturned; and these results the fruits of a system that can be maintained only at an expense of fifty millions per annum; so that, instead of being a source of national wealth, this magnificent region is a national curse. Instead of eight millions of fellow-citizens contributing by their labor to the growth, strength and prosperity of the country, we have eight millions of discontented and restless subjects, ready to revolt at the first opportunity against a bondage, to which if they would willingly submit, they would be unworthy ever to become members of a Confederated Republic. Was there ever madness like this upon the face of the earth? You make a prison-house of the fairest portion of your dominions, and spend a hundred millions per annum in guarding your prisoners.

How shall we restore prosperity to a region whose capability of production equals that of one half of our entire country? Cer-

tainly, not by reducing its inhabitants to slavery. When were a people ever prosperous who were not free?

But, say the advocates of the Radical scheme, we know that a military government is expensive, that it is odious, and the very opposite to that form which the United States is to guarantee to every State in the Union; but, say they, this monstrosity is only temporary and provisional—even now we are replacing these military with civil governments. And what kind of civil government, pray, is it that they propose to substitute for the bayonet? Why, such an one as can only be developed and sustained at the point of the bayonet—a civil government established and maintained in opposition to the determined will of seven eighths of the white people that are to be subjected to its operation—a civil government that falls as soon as the bayonets with which it is propped are withdrawn—a civil government that is twice as expensive, twice as oppressive, and five times as odious, as the one it is intended to supplant. So true is this, that a prayer came up to Congress from this poor, oppressed people, begging and entreating that they might be continued under the existing military government, rather than that they should be turned over to the mercy of the blacks and the worthless Northern adventurers, who are to administer this free and republican government with which our hopes are flattered.

But the means by which this bad end of subjugation is to be attained, are even more objectionable than the object for which they are used. The rifle and the bayonet inaugurated the system, and drum-head courts-martial were substituted for the jury box. But this species of territorial government is too odious to be permanent, and the ugly features of this system had to be veiled, whilst the compulsory element was not to be impaired—the substance of tyranny was to be disguised under the mask of liberty. Hence, we have all the form of civil representative government; a government, however, in which the intelligence, the wealth, and the virtue of the country are disfranchised. It is, indeed, a representative government, but it represents nothing but vice and ignorance; and this, because, in that section, it is only amongst the vicious and ignorant that the Radical party finds its supporters.

The Radicals repel the charge that the masses of the Southern people are disfranchised because, if allowed to vote they would not support the Radical ticket; they say, they are disfranchised because they have committed treason; but this is a mere pretence, and deceives no one; everybody knows that Congress is ready to extend the right of suffrage to any rebel who promises to vote their ticket; they have done so in many cases, and there is no instance where the party has refused the boon when they have been satisfied with the political character of the applicant. Be-

sides, the Supreme Court of the United States have virtually adjudged, that to deny the right of suffrage because of a crime previously committed, is an *ex post facto* law, which is expressly contrary to the letter of the Constitution.

I have now, I think, clearly proved to you that the only object of these obnoxious measures for the government of the Southern States, was the perpetuation of party dominion; and that to this end, the Constitution, the peace and the quiet of the country, have been sacrificed.

But it is pretended that the hostile and rebellious spirit exhibited by the Southern people after the close of the war, rendered it absolutely necessary to keep them under military surveillance. This is not true. The people of the South were tired, and God knows they had reason to be tired, of the war. They made the war in defence, as they conceived, of their legal right to the institution of slavery. The masses of the Southern people entertained a romantic love of the Union, and the only cause for alienation was what they considered the unconstitutional assaults upon an institution inseparably interwoven with their political and social systems. When they found this institution irretrievably gone, they considered that the only cause that made separation desirable had been removed, and they were willing and ready to return to the Union. Of course, like all wars, this civil war had engendered some bitterness of feeling; but there was none that time would not soon have allayed, and that kindness and liberality would not have quickly effaced. That such was the state of things in December, 1865, and that at that period there was no need for the exercise of military power, is evidenced by the report of General Grant to the President, upon his return from his tour of observation in the Southern States. The extreme Radicals of that day, not foreseeing what has come to pass, denounced this as a whitewashing report. What do they say to it now? Is their President unworthy of belief? But, say they, whatever may have been the feeling then, it is one of bitter hostility now. Well, and if it be so, what, pray, but the wrongs and oppressions heaped upon them by the Radical party has wrought the change? Can it be desirable to continue a system which leads to such a result? Is ill-will and discontent with the Government upon the part of so large and so powerful a portion of your fellow-citizens, a state of mind which you desire either to engender or to perpetuate? Have we not had a sufficient trial of the compulsory system; and is it not time, let me ask you, that we had tried the christian virtue of conciliation? Is it not the part of true statesmanship to redress, rather than to excite, grievances? To my mind, to hope for the restoration of a broken fellowship from "pounding," is about as reasonable as to expect a good result from the application of a sledge-hammer to a broken bowl.

The truth is, there is a bitter feeling pervading the Southern mind. Of course there is. The people of that section would be more or less than mortal were it otherwise. But it is not against the Government, but against the bad and weak men who have of late administered it, that this feeling is directed. These people dislike the authors of the insults and oppressions to which they have been subjected, as good men throughout the world ought to dislike them. But they are just in that condition, heart-broken, but not broken-spirited, when further persecution may make them desperate, and when a little justice and a little liberality would make them your friends forever.

Upon the question of the mode of dealing with the Southern States, there is no middle course, no half-way ground. They must be admitted into full fellowship as equal members of the confederacy, or they must be kept under strict military subjection. We must make of them friends and allies, or we must treat them as enemies and prisoners of war. The Constitution, the nature and character of our institutions, forbid any measures intermediate these two extremes.

I believe that this is all I have to say to you concerning the unconstitutionality, the folly, and the impracticability of the Radical scheme of reconstruction. No good ever has, or ever can come of it.

Now as to the 15th Amendment. The object of this Amendment, as I have already suggested, is to narrow the power of the States over the subject of suffrage. They are to make no distinction in conferring this great political privilege on account of race or color. I have already spoken of this proposed amendment as destructive, even if legally adopted, of a right that should properly be left to the States. But there may be a very grave question whether the subject comes within the purview of the clause conferring the power of amendment. There is undoubtedly a limitation upon this power. The authority is given in general terms with this proviso or limitation, "but no State shall be deprived without its consent of its equal suffrage in the Senate." To understand the full import of this provision, it will be necessary to recur again to the history of the convention of 1787. In that convention there was a determined struggle between the large and the small States; the former contending for a representation in the new government in proportion to population, the latter claiming that equality is the essence of sovereignty, and that they would never meet the larger States otherwise than as they met them in the convention itself, that was as sovereigns and equals. This perplexing question was finally compromised by providing for two houses, in one of which the States should be represented in proportion to population, whilst in the other their sovereignty, and consequent equality, should be fully recognized.

When, then, they came to provide for amendments, the small States prevailed in passing the proviso, that by no amendment should they be divested of their sovereignty. Now, is it possible that the States whose sovereignty was intended to be placed beyond the power of amendment, can under this power be stripped of all the appurtenances of sovereignty? Was it the mere name and not the substance that was intended to be secured? If by amendment you can deprive the State of its power of sustaining itself by taxation; of prescribing the conditions upon which the elective franchise may be exercised, you may go on and reduce them to merely municipal governments; and then without an element of sovereignty, how absurd would be that provision that secures them forever equal suffrage in the Senate. Certainly, the proposed amendment is violative of the spirit, if not of the very letter, of the Constitution; and nothing more clearly proves an entire ignorance of the spirit in which the Constitution was formed, than articles frequently appearing in the public prints, and words emanating from members of Congress, even, challenging the propriety of the provision for equal suffrage of the States. The authors of such views are astonished to find that the reformation they propose, is, by the terms of the instrument itself, put beyond the power of amendment. It can be effected only by revolution and a subversion of the Constitution; that is by an act of treason. He who proposes to strip these States of their sovereignty utters language infinitely more treasonable, if language can be treasonable, than he who advocates the right of seccession.

You will ask me how this wrong, unconstitutional as the act may be, if it be perpetrated, is to be remedied. I answer by means of a bold, independent, and DEMOCRATIC judiciary.

But let us now consider the practical working of this amendment. I mean at home, here in California. It is a provision intended to secure the elective franchise to negroes and Chinamen. Everybody understands that. Massachusetts having neither the one nor the other within her borders, is unaffected by its provisions, and is indifferent to the evils it may inflict upon others. It is the Southern States, whose voice is drowned in the roll of the drum, and California, who are to suffer.

I lay down the general proposition—it is not desirable for any people to have amongst them, in considerable numbers, another people with whom they cannot, or will not, amalgamate. Under such circumstances an antagonism necessarily arises. If the races remain distinct, and the predicate supposes they will, sooner or later, one will dominate the other, and there will be no peace or quiet in the land until this occurs. It necessitates human slavery in some form or other, and the inferior, or weaker, race, is never so happy as when the struggle is over and the sub-

jection complete. They, then, exchange peace and protection for defeat and punishment. Is it, then, wise or prudent to arm with power those whom it is absolutely necessary that you should subdue? You will say, perhaps, that you do not see the necessity of hostility between two such races. Only think a moment. There are no people so debased as to be altogether divested of pride, none so low that they are not susceptible to insult. Such a people you keep separate and apart; you assign them an abiding place of their own; you treat them as pariahs and outcasts; you fix upon them constantly and eternally, the stigma of race. The higher they rise in the cultivation of the moral and intellectual faculties, the more sensitive, and consequently the more hostile, they become. To arm these, your enemies, with sword and gun, would be folly; to give them the ballot, would be madness. But say you, following the dictates of humanity, we will make a friend instead of an enemy of them; we will educate, we will elevate them; we will accord to them political privileges; we will open to them, as they have done in Michigan, the road to preferment. But will you give to this moral, refined, intellectual, thick-lipped, flat nose, woolly head negro, your daughter in marriage? The very question makes you shudder, and your whole nature revolts at the idea. What torture is this? What fiend from Hell, disguised in the garb of humanity, first suggested the scheme? You take an ignorant, happy, and contented negro—you educate him, you develop him morally and intellectually; you open to him, politically, the road to wealth and honor; you fill his bosom with the most lofty aspirations; and, then, you turn upon him with scorn, and tell him that for him there is no place at your table or your hearth, and that he is not fit to mate with the poorest and humblest woman of the Caucasian race. If you think you have made that man your friend, all I can say, is, that either you or I have studied human nature to very little purpose. No, as long as race and color exclude from social privileges, so long must they exclude from political fellowship. It is not well, it is not *safe*, to grant the one while you withhold the other.

But let us look at this matter as it is calculated to affect us here in California. We lie just opposite the shores of five hundred millions of these semi-civilized barbarians—nothing but the Pacific between us, and that bridged by steamers. It is the lowest and basest of them that come to our shores. We have amongst us already about eighty thousand of these people, mostly adult males; probably sixty thousand that would become voters under the 15th Amendment and the corresponding legislation to which the Radical party are pledged. Reckon the present voters in the State at one hundred and twenty thousand; remember that every steamer brings to our shores another thousand of this hostile race, and you may count upon your fingers the number of

years when the white race will be under the control of the Mongolians. We are told that these people are shrewd, apt, and intelligent. So much the worse; the sooner will they attain political domination over the whites. Is there any thing extravagant in this prediction? Try it by all the tests of soberness and truth. Is there any question of the numbers they can and will throw upon our shores? Is there any doubt that they will continue a separate and distinct race? or is there any question, that, acquiring political power, they will use it for their own benefit and to your injury? To question this, would be to question the existence of that great principle of self interest which is the mainspring of all human action.

But you will ask me, Are we not in want of labor to develop the boundless resources of our country? Undoubtedly the population of a country may be too sparse or too dense for that country's good. There are both advantages and evils flowing from an excess of population. What we call the highest civilization is, clearly, the result of cheap labor. But, under a Republican form of government, where the humblest laborer is clothed with the elective franchise, it is not desirable to keep him at the starvation point. If he must toil from morning until night, and, toil-worn, fall to sleep like a beast of burden, he has neither the time nor opportunity to fit himself for the discharge of the duties cast upon him. Under such circumstances, universal suffrage would become an absurdity that could not long exist. But the wages of any kind of labor must, and will, in any country, be governed by the great law of supply and demand, and no effort of the poor laborer will avail aught against this inflexible rule. With that law, as applied to the white race, I do not propose to interfere. Although I know and deplore the ultimate result, the evil, if it be one, is beyond remedy. I only ask, that in weighing the advantages, if there be any, that may arise from Chinese competition, you will not overlook the great and certain evil that must flow from admitting them to the exercise of political power. And so much do I dread this evil, that I would exercise the legislative power of the State to remove all inducement to immigration.

And here I am reminded that I am addressing you upon the eve of a judicial election. In a few days you will determine, by your suffrages, whether the Supreme Court of the State of California is to be Democratic or Republican. We are now told by our political opponents, who, by the bye, have made their own party nominations, that it is entirely wrong to make the political views of a judicial candidate a test of his qualifications for office; and, then, we are treated to the usual cant about dragging the judicial ermine through the filthy pool of politics. This might be all well enough in England; but our judicial system is unlike any other in the world. It differs in this, that our judges have

to determine, not only what the legislature have enacted, and apply the law to the case at bar, but to subject the enactment to the test of the Constitution. In England, an Act of Parliament is the supreme law of the land. In America, our legislatures are not supreme. We have a higher law, and that law is found in our Federal and State Constitutions. It is our great boast that we have a branch of law that the subjects of other governments know nothing of. It is in this branch of constitutional law that some of our most celebrated jurists have won their greatest renown. We talk of Calhoun and Webster as great constitutional lawyers. When, then, you remember that the construction of the Constitution of the United States is the basis of American politics, and how much the judiciary have to do with that construction, how is it possible that you can be indifferent to the political views of your judicial candidates? Is the political complexion of the Supreme Court of the United States a matter of no moment to the political parties of this country? What would the Radicals say if, a vacancy occurring on that Bench, Gen. Grant should nominate a Democrat to fill it? When would such a nomination be confirmed by a radical Senate? Under our system you elect our judges. I do not like the system, because I do not think you are qualified to judge of the legal attainments of the candidates. But it is our system, and you are bound to discharge the duty imposed on you to the best of your ability. There are many branches of the law that are to you as a sealed book. There is only one upon which, as laymen, you can be supposed to have any knowledge, and it is because of that presumed knowledge and of the great importance of that branch as involving so much of your liberties and happiness, that this power of election is entrusted to you. At least, if this be not the reason upon which it rests, I know not what is. This being so, appointed to discharge this important function, would it not be curious if you were forbid to exercise your judgment upon the only point on which you can do it understandingly? He only is a great judge who is a master of all the branches of his profession. If he is to be ignorant of any, for Liberty's sake, let it not be of constitutional law.

In conclusion, to sum up my charges against the radical party. I declare that their leaders are corrupt, and are conspiring to overthrow the Republic by overthrowing the State governments which constitute the Republic. They are a set of canting hypocrites. They are false to every sentiment they ever uttered, to every principle they ever announced. Eternally prating of honesty, they have turned the Federal capitol into a lazar house of corruption. With hymns to liberty upon their lying lips, they have riveted the chains of slavery upon eight millions of their countrymen. Deprecating any distinction on account of race or color, they sustain with the bayonet the rule

of the black over the white race in eleven States of the Union. Claiming for themselves liberty of speech, they have resorted to dungeons, bolts and bars, to stifle it in their political opponents. In short, they wear the livery of the Prince of Peace, but they are in the service of—another master.

I thank you, gentlemen, for the polite attention with which you have listened to a long and dry, but I hope not uninstructive, harangue.

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LOW PRICES, LOW WAGES, AND POOR TIMES ARE INSEPARABLE COMPANIONS.

GOOD PRICES, GOOD WAGES, AND GOOD TIMES ARE ALWAYS FOUND TOGETHER.

SPEECH

OF

HON. W. W. BOWERS,

OF CALIFORNIA,

DELIVERED IN THE

UNITED STATES HOUSE OF REPRESENTATIVES,

June 18, 1892,

ON HOUSE BILL 8033, "TO REDUCE THE DUTY ON TIN PLATE," AND FOR OTHER PURPOSES.

WASHINGTON.
1892.

SPEECH

OF

HON. W. W. BOWERS.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8033) to reduce the duty on tin plate, terne plate, and taggers tin, and to repeal paragraph 209 of section 1 of an act entitled "An act to reduce the revenue, and for other purposes"—

Mr. BOWERS said:

Mr. CHAIRMAN: by the mail this morning I received one of my home papers, and I want to read about half a dozen lines of editorial from it before I begin my speech:

The World's Fair committee decides that it can not admit an exhibit of American-made tinware. The committee thinks it can not lend itself to the creation of such a boom for a Presidential candidate as a domestic tin-plate exhibition would give. Bosh! This committee would admit an exhibit of Welsh tin plate. * * *

Now, Mr. Chairman, it does not seem possible to me that we have, and I do not believe that we have, such a fool committee in charge of the World's Fair. If we have, then instead of making appropriations to sustain it, we ought to make some small appropriation to procure its members admittance to a home for the feeble-minded. [Laughter.]

As a further prelude I desire to read a few lines from a letter received from an old-time acquaintance of mine. He says:

Probably nine men out of ten you meet fancy that we draw pretty much all our supply of tin from the mines of Wales. It is not generally known that the yield of the Welsh mines, some 7,000 tons per annum, does not near suffice for Great Britain's own home consumption. It is not generally known that the Straits Settlements of the Malay Peninsula, in Asia, furnish the bulk of the tin used in the world's commerce. I have before me the figures for the twelve months ending November 30, 1891. During that period the Straits Settlements shipped to the United States 10,507 gross tons and to London 16,047 gross tons.

Happening to be in the Straits Settlements last year, I made some personal inquiries regarding tin production in those parts. I ascertained that the ore deposits are situated close to the sea, and that vessels can be cheaply loaded almost directly from the mines. Once on board ship the tin can be thrown with equal ease into our Pacific or our Atlantic ports.

I found that the mines of the Malay Peninsula are worked in part by the natives of the country, but chiefly by Chinamen, whose own country is but a little way to the north. These laborers having, in that subtropic clime, little need for habitations or for raiment, subsisting upon rice and upon the fruits which in that region are spontaneous of growth, and to be had for the plucking, are content with the wages of a few coppers a day—a whole year's pay of one of these creatures would scarce maintain in decency the family of an American miner for a single fortnight.

Now, gentlemen, within the last eighteen months it has been asserted by nearly the entire Democratic press that there is no tin produced in the United States. I desire to say to you that here [pointing to a large bar of tin lying on his desk] is a fact which

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contradicts that statement. I desire to say to you that in my district alone one mine produces from forty to fifty such facts every day. I desire to say that the men who dug that product out of the American soil are American citizens and are receiving from $2.50 to $3.50 a day. Mr. Chairman, I have sometimes thought that if the people of these United States would highly resolve to hang by the neck until he was dead the first citizen, and every other citizen or alien, whether in Congress or out of Congress, who proposed, within the next twenty years, any change whatever in the tariff laws of the United States, it would conduce more to the permanent prosperity of the country than any resolution ever made and enforced by the American people. [Laughter].

What this country wants, and must have for its permanent prosperity, is certainty and stability of its laws; not continual change and uncertainty.

Capital is timid always, and justly so, for experience has taught it that having once surrendered to fair promises, it becomes powerless and may be despoiled.

The many hundreds of thousands of skilled and unskilled workmen and workwomen now earning their living in the factories and shops of this country require that capital should first build the shop or factory for them, and it concerns them as vitally as the employer whether the law from continual change, or continual threatenings of change, shall discourage the industry, or by its stability and certainty assure both capital and labor.

Money must be raised for the ordinary expenses of Government to provide for its continuance, for its defense, and for the protection of its citizens everywhere.

To provide means for this some persons and some things must be taxed; who and what shall be taxed and how much has been the subject of debate and contention since the foundation of the Government.

After Clay, Webster, Calhoun, Hamilton, and Jefferson, and the great ones of the early days of this nation; after Blaine and Randall and their peers if they had any in their time, and especially after the giant intellects of our own time, in our own House, have wrestled with this question, I do not feel warranted in attempting the rôle of instructor in this great question; but only to say how the matter looks to me, and why I shall vote against all changes now proposed, or that may hereafter be proposed in the tariff laws. I accept as a palpable fact the statement of the gentleman from New Jersey [Mr. ENGLISH], that people will submit to an indirect tax cheerfully that levied as a direct tax could not be collected even at the point of the bayonet.

In practice it has been found that a tax on importations can be collected with less trouble, with greater certainty, than any other, and with a more equitable distribution of the burden, if there be any burden; and after that a tax on luxuries, on the unnecessaries, whether they be of foreign or domestic production. On these two propositions I believe all practical men of both parties agree. Outside of the practical men of the two great parties, we have what are known as cranks of several varieties: one wants all revenue provided by direct taxation; another would tax only land, leaving the money-owner, the capitalist, the middle man,

who takes most of the profits, and the manufacturer, to go untaxed. Still others are advocates of an income tax.

The real difference between the two great parties to-day may be briefly stated. The Democratic party advocates a tariff for revenue only; or to speak more exactly, for revenue and reform, as that party attaches the word reform to nearly every declaration of principle it makes, for the reason, I suppose, that every Democratic principle needs reforming. The Republican party advocates a tariff for revenue and protection. [Applause on the Republican side.]

The protective policy of the Republican party has but one object—that is, to give the markets of the United States to the people of the United States in preference to the people of foreign countries. The Republican party says to the American producer, "You shall have the first right to sell all your productions of every kind in all the markets of the United States. We will tax the foreign peddler and we will use that money to build this country bigger and better, and to protect you and your property." The Republican party says, "We prefer our own peddlers; we want them to have the preference." The Democratic party says, "We don't: foreign peddlers are good enough for us, and they shall have the same rights in our markets that our own have." That is the difference between the Republican and Democratic parties. That is what we are contending about. That is the tariff question in a nutshell. It is not a question of price: that has nothing to do with the matter primarily; and it is no more the object of the protective policy than it is of any other legislation.

I have listened for the past two months to tariff talk in this Chamber, two-thirds of it about prices. It is no argument in favor of protection, no inducement for me to support that policy, that it makes anything cheaper. It is not to the credit of that policy that it makes anything cheaper; but in many cases the natural consequences result in cheapening articles. No law can govern prices, not even that of supply and demand, in these days of illimitable substitution. Prices depend upon many contingencies, not upon one. I can conceive of no more idle play than for a grown man to compare the price of any staple article, one month with another, as wholly due to a change of the tariff law.

I do not care if protection raises the price of steel rails to $100 per ton, nor do I care who they are sold to, so long as the American rolling mill and American workmen are paid the $100. I had rather they would get $100 per ton than $20. I had rather the railroad companies were compelled to buy only American rails and pay $100 for them than to get them for thirty or forty dollars per ton as they do now.

It is not to the interests of any workingman or workingwoman, of any producer in the United States, that prices should be lowered on woolen goods or any other goods. So far as my observation and experience goes, and that covers something over fifty years, low prices, low wages, and hard times are inseparable companions, and high prices, high wages, and good times are always found together. This is particularly true as regards every person obliged to do labor of any kind, on the farm or in the shop, for the support of himself or family. There is only one class that

is benefited by low prices; that is the rich man. The cheapening of prices, either of products or labor, is always against the working classes. If the produce is cheapened, wages must be lowered. The rich grow richer as prices grow less, for the rich are the creditors; the worker is always the debtor. The expenses of the workingman do not decrease in equal ratio with his wages. Nor do his expenses increase in equal ratio with increase of wages.

This, I believe, is a self-evident fact. The man who has had his wages doubled may spend all his money as he did before, but it was not on the increase of necessary expenses following the increase of wages. In spending his money he bought luxuries that he added to his expenses. Compare the condition of the common people of this country with the condition socially, educationally, and in respect to the luxuries and comforts of life with the condition of the common people of any other country where the wages are lower. Compare the condition of the people of this country to-day with their condition forty or fifty years ago. The man who receives $2 a day for his work enjoys more of the comforts of life, as a rule lives a broader, higher life than the man who receives $1; though he may not at the end of the year have saved any more dollars.

I do not want, no workingman wants, low prices. This talk of cheaper woolen goods that the farmer has to buy, appears to me to be childish, and unworthy the time given it.

No legislation can help the farmer who buys more than he sells. He is supposed to have more to sell than he has to buy. He is supposed to have $20 worth of farm products to sell where he has $1 worth of woolen goods to buy. Hence, any advance in prices results to his gain; any decline, to his loss. The farmer can not ask protection for his productions against pauper competition, and object to protection for the products of others in other lines. He must "tote fair," but he is entitled to a "square deal" in the distribution of the benefits of protection; to a better deal than he got in the wool bill passed by the Democrats of this House, which removed the protective duties on wool, but gave protection to the manufacturer of woolen goods. The Democratic party loves the farmer some, but the manufacturer more.

I have a friend, an Irishman, who came to this country some twenty years ago and as soon as possible and very naturally, from his experience in Ireland, became a Democrat here; because, as he said, "he found that party forninst the Government, when he landed," and he remained a Democrat for some years; but observing for himself, reading and thinking for himself, he concluded this was a pretty good Government, and he would support it, and so just as naturally became a Republican. One day last summer he appeared among a knot of his friends having on a new suit of clothes. A free-trade friend of John asked him what his suit cost him. "Sixteen dollars" was John's reply. "Well, now, Bogan, how much would that suit cost you in Ireland or England?" "Well, perhaps $8," replied Bogan. "Well, don't you believe that if we had free trade with England you could have bought that suit, or one as good, here for about the same price?" "Well, perhaps so," was the reply, "I am not certain; but I will tell you. I worked in Ireland when I was

a strapping young fellow for two months to earn enough to buy a suit that cost a little less than £2. I here earned the $16 I paid for this suit in one week. I had rather work one week for a suit of clothes than two months."

Hardly a day has passed during the seven months this House has been in session without a large part of it having been given to the recital by members of the doleful ditty, "Pity the sorrows of a poor old man," doled out to us usually with the electrifying and exact emphasis of a hand organ, accentuated by occasional and eloquent blows upon an unoffending desk cover with the fist of an inspired member.

Why, sir, I have often during the session while engaged at my desk in the usual occupation of a good member—answering correspondents—been diverted from my occupation by the unusual eloquence of some member's fist pounding upon the desk, and discovered some banker, perhaps, bewailing the sorrows of the poor; some manufacturer reading a learned essay upon the benefit the factory operatives would derive when the cheap and pauper laborers of the old country shall be allowed to compete with him in his own home, or some lawyer or doctor who knows all about farming showing how the grievous burdens may be lifted. [Laughter.] Indeed, it is wonderful and a credit to human nature how all classes pity the sorrows of and mourn with the farmers. I hardly think the average farmer realizes how many sleepless nights the banker, the broker, the stockholder, the lawyer, and the doctor have spent walking the floor bewailing the sad fate of the American farmer and trying to devise means to lift him up. [Laughter.]

Mr. Chairman, for something over twenty years I worked on farms, part of the time as a hired man, and part of it working land on shares, and for a few years a small farm of my own. Thus having gained some little practical knowledge of a farmer's life in new and old States I am always an interested listener when some professional man, doctor, lawyer, banker or capitalist is instructing farmers.

I have been astonished and amazed and amused when I have heard at county fairs some banker who had but recently gone into the sheep business, having obtained a flock of sheep by foreclosing a 2 per cent per month mortgage [laughter], descant on the profits of wool-growing and how to handle sheep profitably. Why, sir, I have heard some of the most learned and exhaustive essays upon correct farming delivered by doctors and lawyers who really did not know the difference between a side-hill plow and a stone boat, could not tell which was which if he saw them together, all the same he would talk so beautifully that the achievements of that great farmer, Horace Greeley, paled by comparison. [Laughter.]

Mr. Speaker, I never knew how much the farmer was oppressed or knew half his sufferings until I came here and listened to the daily recital of his woes. My heart has bled in unison with the reciter. I sometimes wonder that the farmer has any sufferings left on hand after the fifty years of unselfish work of the band of patriots who have met in this Chamber and worked so hard for so many years. [Laughter and applause on the Republican side.]

But are the farmers, are the working classes of the country

going so fast to the "demnition bowwows" as some of these good political missionaries would have us believe? Is their condition so much worse than ever before? Let us look at the facts, though they may be stubborn things. Some things we know, but more things we imagine.

When I was 14 years of age myself and my chum, a boy of about my age, engaged to care for fourteen horses for a gentleman. It was in the winter. He was fitting them to take for sale in the New York market. We had to groom them very carefully every day, and very thoroughly, as the gentleman was very particular. We had but little leisure during the day. We worked at the job for two weeks. We received the munificent sum of 14 shillings each for the two weeks' work—just a shilling, 12½ cents, a day.

The summer I was 15 I worked on a farm for two months. This was in Oneida County, N. Y. I hoed my row of corn and kept up with the men. Before I went to the field in the morning I had to milk four cows. Of course, being only a boy, I had to lug the water jug to the field. When we quit at night the poor hired men sat down to rest and smoke, and I drove up and milked four cows; being a boy, of course I must do the chores. For these two months' work I received the magnificent sum of $8—$4 per month. The men who were hired by the day to hoe corn in the busy season were paid 50 cents per day, and given their dinner. I may here remark that at that time shilling calico was the cheapest thing known in the way of wearing apparel. Good calico cost 25 cents—such as is now sold for 8 cents.

When 18 years of age I went to the oak openings of Wisconsin, and after a time hired out to a man who kept a small country store as a general roustabout, clerk, and chore boy, for $5 per month. The next year I worked on a farm as a full hand for the highest wages I ever received as a hired man on a farm—$15 per month—took a horse for my pay; traded off the horse for a pair of half-broken steers; took some land to work on shares. The farmer found the seed. I did all the work, paid for the thrashing, gave the farmer half in the bin. That was in the days before reapers had come into common use there.

In harvest time I had to hire two cradlers. They were two big, strapping fellows, one a shoemaker, the other a clerk in a country store in the neighboring town. They went into the harvest field on account of the high wages. I paid 50 cents an acre to cradlers. At first they could cut but 2 acres a day, as their hands were badly blistered, but after awhile they averaged 3 acres a day, which was accounted an average day's work for a cradler, thus earning $1.50 for as hard a day's work as was ever done in farming. The going wages then for day's work on the farm or around a thrashing machine was 50 cents, except, as I have said, in the harvest time. These were in the good old Democratic times when Buchanan was President. Then a "boss" carpenter and joiner received $1.50 per day. A common barn carpenter $1 per day.

But the great trouble of those days was, that after you had earned your wages and been paid, you did not know that the money you were paid in was good for anything. Those, as I have said, were the good old Democratic days, when we had the wild-

cat banks, otherwise known as State banks; when Thompson's bank-note detector was indispensable, but not always reliable, because not quick enough, although published every week; a bank reported by them as 5 per cent discount one day might be 50 per cent the day afterwards, and the next day marked worthless. [Laughter.] Do not you gray-headed men recall those times? When you were paid a few rag dollars, you went to the detector to see if it was good. What a story those pages told! "Worthless; bank broken; discount 50 per cent."

Ah, you talk of robber tariff; but it was in those good old Democratic days when the farmer was robbed by these wild-cat banks, organized rookeries of robbers. Some want to go back to the methods of those days. I do not. How long is it since you saw a copy of Thompson's bank-note detector? How many of you have looked at the bills paid you, even after all this talk about the debased silver dollar, to see if your bill was a silver certificate or a legal tender or on a national bank?

Do you not know that of the many thousand dollars paid you by the Sergeant-at-Arms on account of your salaries during the past three months every dollar of it was in silver certificates? Even a promise to pay a debased 70-cent dollar seems to be good enough for you.

You read frequently of the failure of a national bank. Did any of you ever think to look if you had any bills on the broken bank? I will answer for you. No! You did not care if it was broke. Your bill was just as good, and to-day when a farmer sells his wheat or corn or hay or fruit and takes for it silver certificates or legal tenders he only notices the number, the stamp. He knows it is good. In this respect the farmer's and every workingman's condition is better than it ever was at any time while his country was under Democratic control.

The facts are that the condition of the people of this country has grown steadily better. They average to enjoy more comforts, more privileges than ever before. [Applause on the Republican side.]

Now, Mr. Chairman, I desire to note very briefly an article in the North American Review, which we are warranted in accepting as the principles of the Democratic party to-day—we have no rule to judge what they will be to-morrow—as it is written by the distinguished gentleman whose plan of "How to attack the tariff" was adopted by the Democratic party of the House. I read from the article, page 134:

"So far as wool is concerned, the McKinley bill has completely failed to accomplish the object which its authors claimed they had in view" * * * "The protection on wool which the bill secured was claimed to be sufficient beyond a doubt to enable the farmers of the United States, at an early day, to supply substantially all the home demand." * * * "Time is a cruel arbiter, it is no respecter of persons. It visits upon false theories and false pretenses the judgments which they deserve. * * * The McKinley bill took effect October 6, 1890. * * * The ten months next after the passage of that bill the imports were over a hundred and nineteen million pounds, an increase of over 30 per cent; thus are the theories upon which the McKinley bill was constructed crushed by the irresistible force of facts."

Now, Mr. Chairman, I wonder if the honorable gentleman expected any increase in the production of wool in the United States within the ten months immediately succeeding the coming

in force of the McKinley bill, which took effect October 6, 1890, and by virtue of its provisions.

Why, sir, it would be at least seven months after the 6th of October before any practical sheep-raiser would expect any natural increase from his flock. In California and some other places the lambs are dropped earlier, but no wool-grower shears lambs two or three months old. As the distinguished gentleman truly says, "Time is no respecter of persons." I may add "or of sheep," and I do not suppose that any Republican expected that the natural laws governing the increase of sheep would be affected by the McKinley bill, although we might infer from the argument of the distinguished leader of the Democratic party in this House, that the McKinley act was a failure because it did not change natural laws; but Mr. Chairman, I shall not let any little question of natural laws deter me from enjoying the argument of the lawyer or doctor farm specialist when he essays to tell what he knows about sheep-farming, but I do think that the author of the article, the distinguished leader of the Democratic party in this House ought to be more liberal, ought to give the sheep a chance, allow them more time. [Laughter.]

I read again, from page 136:

> Any revision of the tariff ought to be followed by increased stimulus to industries—increased demand, and better wages for labor, and by lower prices for manufactured articles which are most necessary to the health and comfort of the people.

That is to say, the lower the price is made for a manufactured article the more the manufacturer can afford to pay the wage-earner for making it. That is a new kind of political economy to me. I can not argue it because it is so entirely unique and abstruse.

I read again, page 137:

> The importance of preserving the McKinley bill as a distinctive issue in the Presidential campaign should not be lost sight of. Its general provisions are wholly indefensible.

Well, if you want it as an issue, and "it is important to preserve the McKinley bill as an issue," why do not you make it an issue? You were solid against it last year; you had an unbroken front for the Mills bill—a general bill—you say you won the election and obtained your great majority in this House on that issue; you have the power to repeal that bill in this House in twenty-four hours. You say it is bad; you say it is wrong; you say it is burdensome upon the people. If that is true, why do not you do your duty and stand true to the principles which you profess? No one can or will hold you responsible for the action of a Republican Senate. You are responsible for your own acts only. You say the people have repudiated the McKinley act. Then why do not you stand with the people and repudiate it in toto by your votes in this House? All the world knows why you do not. Because you dare not!

There is no doubt but after the last election you believed you won your victory on that issue—the McKinley tariff act. You were preparing to repeal that act in this House up to the morning of November 4, 1891. Then suddenly you changed your plans and the word was passed along the line, "Hedge! boys, hedge! Ohio has gone wrong!" In that State the test was made. It

was accepted by both parties. The issue the distinguished gentleman talks about in this article was made the issue in that contest—the sole issue. It was fought under trained leaders of the two parties—fought by them as gentlemen fight in such a contest: and after the Republicans had won, the nation looked on with amazement at the ingratitude manifested by some Democrats after the battle, carping at the leader of the Democratic side in that memorable contest for not making another issue, for being honest and meeting like a man the issue that the Democratic party said was the real issue.

Is there a man in this House who doubts that if McKinley had been defeated in Ohio last fall an act repealing the McKinley bill would have passed this House long before this time? But since that Ohio election you do not dare do it.

I am reminded of a story that George Knight tells, which illustrates the attitude of the Democratic party at this time. That party is like a young lady who was sitting at the open window watching her little brother Johnny playing circus on the lawn. Johnny had turned cartwheels and somersaults and performed various capers he had seen in the circus, finally standing on his head with his little spindle shanks now sticking straight up, and again gyrating after the fashion of the circus performer. At this performance his sister called to him, "Johnny, Johnny, I wouldn't do that." Without changing ends Johnny retorted, "You dassen't."

There is no doubt that that young lady could have stood on her head as well as her brother, but "she dassent;" nor any doubt but that the Democrats in this House can repeal every provision of the McKinley law, so far as this House is concerned, but they dare not. More than that, should the Democratic party secure both Houses of Congress and the President at the next election (it is an almost inconceivable contingency), then it would not dare repeal the McKinley act, for the leaders of that party know now, if they never did before, that it would sound their political death knell. [Applause.]

The truth of the opening sentence in the speech of the gentleman from Maine [Mr. BOUTELLE] when he said. "What a comical old humbug the Democratic party is!" was fully exemplified by its action on the silver bill.

In the Japanese stores of the Pacific States, and I suppose here also, one can buy a little toy representing a miniature turtle, or perhaps here I should say a terrapin, in a little glass-covered box. It is nicely poised on a pivot; by giving the box a slight shake the effigy becomes to all appearances alive. The legs begin to paddle, the head moves quickly from side to side, and one would think it was going to march out of the box immediately; but if you observe the toy closely you will see that the forelegs are wiggling one way and the hind legs another way, and the head is wagging several other ways, and presently the thing becomes quiescent, resting motionless upon its pivot. So a few days ago all the country was watching the antics of this comical old terrapin, with its fore legs wiggling one way, its hind legs another way, and its head wagging every way, when jostled by the silver question, and then saw it simmer down to quiescence,

resting motionless just where it started. It is indeed a comical old terrapin.

It was known before this Congress assembled (if anything ever was known in advance respecting any Congress) that there was a clear working majority of the Democrats in favor of free coinage of silver, most of them pledged to it. Yet you had no sooner assembled than Wall street and the Eastern money lenders sent you orders to "simmer down" on the silver question, and you immediately "simmered." Making it a tie vote was a shrewd trick. Verily, the Democratic party is great on principle.

Possibly the duties on tin plate may be too high or too low, and so perhaps of some other articles. For many years the Congress has worked to adjust the tariff on the various productions and manufactures: to adjust the difference between the producer and the manufacturer, in fixing rates upon the various commodities so that as near as may be the benefit may be equal to all classes, and it is probable that the present law is as near perfect, taking into consideration all interests, as it is possible to enact. It has placed on the free list those things that our people do not produce, as well as some articles that they do, and, as I have said, the law is probably as fair an outcome of the protective policy of the Republican party as can be devised. It is comparatively immaterial whether some one article is paying a trifle more duty or a trifle less, compared with other articles. The all-important matter now is the certainty and stability of the law; that assured, the few inequalities in the rating of articles for duty may be disregarded.

During the thirty-two years from 1829 to 1861 the government of this country was administered by the Democratic party. I do not take into account the incumbency of four years of Taylor and Fillmore, as that does not require any qualification or modification of the statement. During these thirty-two years of the administration of the affairs of this Government in accordance with Democratic principles, the balance of trade against the country was $447,097,649; that is, the business of this country was so conducted by the Democratic party that we bought over $500,000,000 worth of commodities of all kinds more than we sold of all kinds. Now, then, a business man or a firm or a nation that continues to buy more than he or it sells must in the end become bankrupt.

During the thirty years intervening between 1861 and 1891 the affairs of this country have been administered by the Republican party, disregarding, as in the other case, the four years' incumbency of Cleveland, during which time, owing to a Republican Senate, the business policy of this country was not changed, and not taking any account of the four years' war, we find during this period the balance of trade in favor of this country $768,963,633; that is, we sold over $700,000,000 worth of all commodities to other nations more than we had to buy from them. It is therefore shown beyond any question by this trial of two nearly equal periods of time, thirty years of the Republican policy, inaugurated when the country was on the verge of ruin, and thirty-two years of Democratic policy, that the Republican policy was worth $1,216,061,282 more to the country than the Democratic

policy. It is shown that this country is not only self-sustaining, but under proper business methods will have a surplus to sell to other countries. [Applause on the Republican side.]

The history of the past sixty years proves that to maintain the balance of trade in this country the preference must be given our own people in the markets of this country. That is the sole object of the protective policy of the Republican party, and not to lower prices or wages. Every one of these tariff-reform bills introduced here means and can have but one result; that is, to reduce the price of labor. Let one of my Democratic friends go into a factory and pass the word among the workmen that the Democratic party is going to make a big reduction in the price of the article they are making in that shop. Do you think he would be hailed as a savior or a bearer of good news. Every workman knows that the reduction is in his wages. My Democratic friends, you will find it uphill work to persuade the wage-worker that by reducing the price of the article they are manufacturing their wages will be increased.

Sir, the wage-workers of this country know better; experience has taught them better. The wage-earners throughout this country, through their unions, are demanding and receiving a fairer share of the profits of manufacturing than ever before, and in the adjustment of wages with their employers they make a rise in the price or a good profit in the price for which the article they manufacture sells the basis of a demand for increased wages. Experience has also taught them when prices fall they must work for lower wages or the factory must close down. This is an unchangeable law.

Mr. Chairman, I am opposed to the reduction of the wages of tin-plate makers. I am opposed to the reduction of wages anyway. I am opposed to all these revenue bills that propose to reduce wages. I am opposed to low wages and low prices, and I would give the markets of the United States to the people of the United States. That is my Republican platform.

One word in conclusion. You must raise money. You are appropriating many millions for the expenses of this Government. This Congress has already appropriated hundreds of millions; it will undoubtedly appropriate as many millions as the "billion-dollar Congress" did. Why? Because you find it necessary. This country is not a peanut institution; it is a great country, and when you come to legislate you see that vast appropriations are necessary, because the country is growing fast. You must raise hundreds of millions of dollars in some way.

Now, the Democratic party is the party of free trade. When you scratch a Democratic tariff reformer you always scratch a free trader. Of course the members of that party always begin by saying they are for a "revenue reform" tariff; but when they come to any practical point they are free traders.

As was conclusively demonstrated last Wednesday in the House by the honorable gentleman from Iowa [Mr. WHITE], when he said:

> It is true that some individual Democrats are free traders. * * * I am prepared to take upon myself all the political disadvantages and incur all the odium which can attach to a frank confession that I belong to that class.

And the gentleman was most heartily indorsed and applauded by every Democrat in the House, as he was while eulogizing and defending the doctrines set out by Henry George, which he did at great length.

Now, I wish to read a little from the Democratic platform which has practically been adopted by the majority of this House.

How are you going to raise money for the support of this Government? You must have it, or you must stop the operations of your Post-Office Department and all the other Departments. How are you going to get it? When you have cut off the receipts from the duties on imports will you tell the people this fall how you will replace those revenues cut off? By a tax on land? You will find that the Democratic platform which I have here advocates free trade pure and simple. I want to read a little from the pamphlet which I hold in my hand. It is very good reading. I am ready to wager that numbers of you have not read this; have you? Here is the title: "Protection or Free Trade?" by Henry George.

[In the House of Representatives March 11, March 31, April 6, and April 8, 1892.]

Speech of Hon. TOM L. JOHNSON, of Ohio.
Speech of Hon. WILLIAM J. STONE, of Kentucky.
Speech of Hon. JOSEPH E. WASHINGTON, of Tennessee.
Speech of Hon. GEORGE W. FITHIAN, of Illinois.
Speech of Hon. THOMAS BOWMAN, of Iowa.
Speech of Hon. JERRY SIMPSON, of Kansas.

Here are some of the recommendations:

Mr. JOHNSON of Ohio said: Mr. Chairman, I desire to have printed with my remarks the following, being an extract from Henry George's book, Protection or Free Trade? This book, written by a man who views the matter from the standpoint of the interests of the great laboring masses, and who is acknowledged through the civilized world as the foremost of political economists, is the clearest and most thorough exposition of the whole subject ever yet made.

Mr. STONE of Kentucky said: Mr. Chairman, as going to the very root of of the tariff discussion, and setting forth in the clearest of language, I desire to make a contribution to this debate from the pen of a world-famous writer on political economy, Henry George. I quote the following from his celebrated book, Protection or Free Trade?

Mr. WASHINGTON said: I wish to contribute as my part to the discussion of the general subject of the tariff the following interesting thoughts from the pen of one of the ablest thinkers and writers on economic subjects of the day.

I will print a few pages from a work by Mr. Henry George.

Mr. FITHIAN said: Mr. Chairman, I desire to have printed as my own remarks the following from the pen of Henry George on the tariff question.

Mr. BOWMAN said: Mr. Chairman, I desire to have printed, as expressing very ably my views on the subject of this bill, the following, being an extract from Henry George's writings. It is the ablest paper that I know of in opposition to the theory of protection.

Mr. SIMPSON said: Mr. Chairman, there is no better way of getting at an understanding of the justice of the bill before the committee than by examining the first principles of trade and of taxation, and to that end I offer as my part in this debate the following from the pages of a work quoted in every land where the English tongue is spoken, namely, Protection or Free Trade? by Henry George.

Now I want to read a little from these speeches, constituting substantially the Democratic platform as adopted by this House, because there is not one of you on the Democratic side who has condemned these doctrines. Let me read from this exposition of Democratic doctrine:

Such is the situation of labor to-day throughout the civilized world. And the robber that takes all that is left is private property in land.

That is Democratic doctrine: it is opposed to private property in land. Go into my district, where there are men I know who have been there for thirty years, who have cleared their land and built their homes. Read to them this Democratic doctrine which says: "You are a robber; you have no right to your land."

Go to the farmers of Wisconsin, who, forty or fifty years ago, went into the primeval woods of that Territory and with many years of hard, incessant labor made farms in the wilderness. Tell them they are robbers! They have no right to the farms they and their children have hewn out with their hands! That they are wronging the laboring classes. This in accordance with the doctrines of Henry George, adopted by the Democrats of this House. Do you not think those farmers will welcome this new Democratic doctrine?

[Here the hammer fell.]

Mr. BOWERS. I would like to have five minutes more.

Mr. BURROWS. I ask unanimous consent that the gentleman's time be extended five minutes.

There was no objection.

Mr. BOWERS. Mr. Chairman, I only want to get at the truth of this matter. Let us have a fair understanding of what the Democratic position is. That is all we want. We should not try to deceive each other, but should learn from each other what our real position on this matter is. Is not that fair? I am stating this matter as it looks to me. If I am wrong, other gentlemen will correct me. Now, I ask your attentton to this further extract from the doctrines of our Democratic friends:

The partial reform miscalled free trade which consists in the mere abolition of protection, the mere substitution of a revenue tariff for a protective tariff, can not help the laboring classes.

That is the Democratic doctrine as set forth by our Democratic brethren in this House. I want you to understand it. I am reading extracts from these Democratic speeches sent out as a platform.

Now, my Democratic friends, if your "revenue reform" or "tariff for revenue only" can not help the laboring classes, and your new prophet—Henry George—for whom you vouch, says it can not, is it not about time you gave the country a rest from your incessant gabble about "tariff reform?"

Let me read one more extract:

An English Democrat (William Saunders, M. P.) puts in this phrase the aim of pure free trade: "No taxes to all, and a pension to everybody."

That is a mighty good platform. If it were practicable, I would like to get onto it. [Laughter.]

Now let me read one further extract, and then I close:

On a railway train I once fell in with a Pittsburg brass band that was returning from a celebration. The leader and I shared the same seat, and between the tunes with which they beguiled the night we got into a talk which, from politics, touched the tariff. I neither expressed my own opinions nor disputed his, but asked him some questions as to how protection benefited labor. His answers seemed hardly to satisfy himself and suddenly he said:

"Look here, stranger, may I ask you a question? I mean no offense, but I'd like to ask you a straightforward question. Are you a free trader?"

"I am."

"A real free trader—one that wants to abolish the tariff?"

"Yes, a real free trader. I would have trade between the United States and the rest of the world as free as it is between Pennsylvania and Ohio."

"Give me your hand, stranger," said the band leader, jumping up. "I like a man who's out and out."

"Boys," he exclaimed, turning to some of his bandsmen, "here's a sort of man you never saw; here's a real free trader, and he ain't ashamed to own it." And when the "boys" had shaken hands with me, very much as they might have shaken hands with the "Living Skeleton" or the "Chinese Giant." "Do you know, stranger," the bandmaster continued, "I've been hearing of free traders all my life, but you're the first I ever met. I've seen men that other people called free traders, but when it came their turn they always denied it. The most they would admit was that they wanted to trim the tariff down a little, or fix it up better. But they always insisted we must have a tariff, and I'd got to believe that there were no real free traders; that they were only a sort of bugaboo."

Verily, the Democratic party has been given a new dispensation, and Henry George is its prophet!

[Laughter and applause on the Republican side.]

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What Are We Here For?

ADDRESS

... BY ...

HON. WM. R. DAVIS, OF OAKLAND

Before the SONOMA COUNTY TEACHERS' INSTITUTE (Evening Session)

Tuesday, May 14, 1895

WHAT ARE WE HERE FOR?

Address by Ex-Mayor Wm. R. Davis of Oakland before the Sonoma County Teachers' Institute, May 14, 1895.

Man, His Hut and His Liberation

At the popular evening session of the institute, May 14, 1895, Mr. Wm. R. Davis of Oakland, the speaker of the evening being introduced, said:

Ladies and Gentlemen: It is impossible to be headmost and hindmost at the same time. Things are excellent in proportion as they are ahead of others of their kind. Commonness is a synonym for non-excellence. Any individual engaged in any vocation, whether yours or another, in order to command the respect of others and to make his own self respect respect himself, must pursue with diligence and devotion that standard, the ambition to excel, conquest, mastery. Below man there is no object either in vegetable or animal life of which we predicate excellence and toward which we extend admiration, concerning which what I have indicated is not true. If it is the average thing it does not interest much; if the common thing, it seldom or feebly engages and never inspires. Those who achieve and accomplish, the builders and ornaments of every business, calling and profession, are those who master, those who make conquest of excellence, those of the vanguard. Take it in the home: generally speaking those parents who make most frequent and impulsive use of the rod, and who subsequently have most employment for the tear, are those who have not been ahead of the children, meanwhile, in the family plans or government, in their views, their foresight or comprehension. So with teachers, parents *pro tempore*. The less foresight and comprehension, the more rod and after-regret. The less of captaincy, the more of failure. It is so in business. Experimenting along day by day, knowing no more in the management of the business than is known by the employees, leads to a moribund business or a failure. Whoever takes charge owes leadership—owes it to the business, the profession, the family, the schools. Duty accompanies position, they are inseparable sisters. Position is sometimes a presumptuous and haughty sister; but Duty, who has the deeper character and sweeter face, always attends her, whether Position recognizes the fact or not. Duty always stands by the chair of Authority, holding in her hand the standard of excellence.

WORKING UP IN THE BUSINESS.

It is often suggested and some teach, that it is a great thing, under the common aphorism of the day, to have the boys "work up in the business." So far, so good. That is better than something

else, unless something else is better. Working up to the business is good, but not enough. Suppose we have a young man beginning in the street-car service, perhaps a stable-man, then a driver, then a conductor, then a superintendent of a division, then superintendent of the system. He knows now all about the street-car business. That experience and that working up are good, and entirely satisfactory to the corporate business in hand. But is it as satisfactory to the human being involved, if he has worked up there and no more? If a man just works up to a place it may be said he has just got there. But in either case there is no man left over. What is requisite for him and for every person as a personality is, not merely to work up to a business level, not merely to be able to grasp the machinery of the thing to be done, nor even to devise the machinery employed, but to pass over beyond and above that. Every man viewed as a man, should be able to rise above the business-level of his business and over-flow the edges of it. Instead of being merely a vessel level full of still water, the individual, the personality, must become a flowing spring overflowing the business, the place, the position. There must be enough to fill, of course, but there must be more man left over, of right. One plan meets the exigency of growing up from below to the mere level of necessity, the other views man as larger than his bread-and-butter business, something more than his occupation, greater than his employment.

ABUNDANCE.

There never has been a great character, a great light, a great leader, in the history of the human race, who did not do more than to grow up to the business. They all grow up to, flow up to its level and then overflow it--living waters coming from hidden channels of a great personality beneath, the living fountain overflowing.

Michael Angelo in art—you remember when he was a boy he was a sculptor, a chiseler, picked up in Florence as a poor boy and taken into the Academy of the Medici and there educated on account of his obvious and later great talents which made him one of the great sculptors of Italy. Then he grew again, his personality overflowed and he became the world's greatest sacred painter. Michael Angelo, the boy 12 or 13 years old, was found one day by his instructor in the grounds of this academy, out by himself, in the grass and amongst the trees of the grounds with his mallet and chisel carving on a block of marble to reproduce the ugly face of a satyr, in wonderful contrast with his own young splendid face. He was at work replacing a piece of broken statuary on those grounds, restoring the satyr's ugly head. They let him go on. He did it alone. He succeeded. The broken satyr was restored. The face and head of ugliness thus became the lasting monument of the boy Michael's genius. Thence he grew out of the work of the sculptor into the work of the painter, and his sacred paintings are known to art and civilization the world over. These religious works of Michael Angelo, priceless but done without price or reward, constitute the greatest art of the world in such paintings as belong to sacred edifices devoted to religious uses as is this in which we now are. But Michael Angelo, boy and man, was the living force. He not only grew up to one art, his business, but he overflowed it and then grew into another, and then overflowed that. Michael Angelo's art and achievements shine with lustrous brightness around the world today; but Michael Angelo himself outshines his work. Its light is but his lustrous light falling upon it. Art echoed only; it was the man that spoke. (Applause). I shall have occasion to refer to him again this evening.

It was my good fortune to be in the harbor of New York on the night Bartholdi's statue of Liberty on Bedloe's Island was first illuminated. We steamed across the harbor, and, when immediately in front of this magnificent statue of Liberty, the electric light was first thrown into the great torch in her hands hundreds of feet above the level of the sea, with such power that the waves of the ocean for a hundred miles at sea were instantly illuminated, the torch hailing and welcoming the mariner, the commerce, the humanity, the life that set in to America's greatest port, New York. But there was more than the statue; there was more than the gleaming light of electricity in that great torch. I thought as I stood there and saw the statue and the light and realized the physical phenomena, the power

of the idea of Bartholdi shines yet further, the thought of Liberty enlightening mankind shines not merely a hundred miles at sea, but it encircles and shines around the habitable globe. (Applause.)

How vastly much does Bartholdi's thought surpass Bartholdi's statue, great as that is.

In our own country I can mention but an illustration. Take the greatest commoner that our civilization has yet produced. A boy commencing at nothing; with a heart for humanity, a purpose for excellence, a standard for achievement —these things deepening his life and broadening his character, of whom I think one of the most telling reminiscences is this anecdote. He was being driven from his home on the circuit as a young lawyer to try a case at the neighboring session of the court. Absorbed with his legal concerns he did not notice or did not realize as he passed a swale, a marshy place, which was crossed by a bridge, that there was anything of importance there. He went on two or three miles, and presently came to himself and said, "Driver, drive me back to that place where we crossed the bridge." The driver turned the horse about and drove him back. They arrived at the bridge and marsh, a boggy place, and there was a pig swamped in the mud, inextricably, so far as helping himself was concerned. This young man got out of the buggy, brought the pig safely to the upland, put him on his feet, got back into the buggy and then told the driver to drive on. Presently the driver asked him why he had had him drive back so far only to take a pig out of the mud, was that all he wanted, the game wasn't worth the candle The young man answered him, "I can't tell you, but I feel better now."

That commoner was no less a man than he who was subsequently known to this nation and is now known to the world as Abraham Lincoln, the emancipator, the abundant, the overflowing and now immortal Lincoln. [Applause.] He was not content then or ever merely to do only that which would just do, nor to grow up to the business merely. With him there must be man left over; and, I say it reverently, it seems now that in his case there was almost a god left over after he had filled his vocation and employment to overflowing.

MIRRORS AND SCREENS.

We live too little in the subjective powers and too much in objective things. Have you not noticed how many people are willing to be screens? How often we go to places of amusement when the few there employed furnish about all the active abilities and powers there assembled. Anybody can be a screen or a mirror, it takes ability to be the actor or the doer. How often in traveling through the country we see ticketed passengers willing to be screens merely, upon which the passing landscape and naught else pictures itself. More miles, more images; more days, more physical pictures; more years, more screen-images—and that is nearly all. Observation, understanding, comprehension feeble or absent. The telegraph poles serve to tire their vision, never suggesting the science whereby all lives aboard are saved from wreck, whose occult finger is now touching the very nerves of great nature. These moving mirrors are apt to be jolly enough, but they are sad enough, too. A photographic screen, even though alive, is not power; it is the slave or the sport of things objective and is itself nothing subjective. Perhaps that is better than not traveling at all; but it is nothing considerable. Travelling is in truth a school and requires understanding with gates ajar, or, better still, wide open. The subjective personality which inhabits a man ought to be sufficiently poised and self conscious, sufficiently outreaching, sufficiently outgoing to be able to send forth its observing powers, its reason, its grasp, its power of collocation and analysis, of learning from every landscape, and from every city, from this river, this mart of commerce, this art gallery, this convention, this congress, this forum, or else he is not a good traveller, but a mover from place to place merely.

Unless there is something beneath, something more than the mere capacity to receive images while we are passing through this landscape-span of life, we are but bits of glass playing the part of negatives in a mere panorama, not leaders in a vocation, not teachers of those that begin at six, nor of those able to learn all the way along until they are pupils of more than sixty. No man's power of expansion, of learning, of usefulness, of conquest, of conscious enjoy-

ment of being, can be said to have reached its limit until the outward body begins to close in and curtail the natural powers of his inner self. School does not begin at six and end at eighteen. It begins at the first half-year and ends at eighty.

DIAGRAMS BUT INSTRUMENTALITIES.

Have you not seen a blackboard, such as that yonder, with a diagram upon it, a demonstration of thought which the diagram merely illustrates? Have you not heard great delineators of ideas and seen them employ the skeleton-diagram and then cease the discourse. Has not the thought possessed you as you walked out of the hall, How meaningless this dead diagram is since the living mind has left it, since the voice has become silent? Suppose at the close the user were dead. Now contrast the diagram upon the board with what was the living picture in his brain and heart; one is life and humanity, the other mere instrumentality. The mind, the man, is almost everything; our diagrams our servitors.

There is a poetic expression which says:

"I feel like one who treads alone,
Some banquet-hall deserted."

So I felt the other day after the fete in the City of Oakland was concluded. I turned and looked back upon that Park where an hour before had been a vast concourse of living, intelligent, self-conscious and happy human beings. Nothing was left but the dead fences encircling the field, the vacant grand stands, the empty seats, instrumentalities all to serve the temporary purposes of humanity, and I felt then the full force of the poetic sentiment "Some banquet hall deserted." There was the diagram, the plat, but the humanity, the life was all departed.

And these things do but illustrate the greatness, the largeness, the moreness that there is in conscious life, in development, in expansion of the capacities and powers of a human being.

So, as I have said I say again it is not enough to grow up to the business, not enough to understand the diagram; we must grow on and overflow all our pursuits, all our vocations; there must be such an abundant man in the vocation that there is an abundance of man left over.

ANGLES, NOT CURVES.

The most needed thing in the world now is angles. I can but confess that I have seen too many curves, too many apologetic weeping willows, too many serpentine walks, devices, apologies, roundnesses. It seems as though it had come to a time when to be just your upright self and say frankly, "No, I will not," "Yes, I will," is out of fashion. We have in business this, that, and the other device; and when it is spoken of, too ready and too universal is the answer, "Oh, that is business," when it was not business at all, but a sinuosity, a devise to get around the good, sound stone wall of rectitude and uprightness. So in some of our social ways—and I do not underestimate form—we have rather more of the prevalence of form and formality than of substance. In politics the whole world knows the grounds are laid out in sinuous ways and that serpentine walks run through the grass. What our day most needs is the personality with some angularity of character, who in a proper way can stand with his elbows out, in posture upright, with an attitude square before the world, before business, before a profit or a gain, before a party, or an organization and say, "It is not right and I decline to do it." If this century at its close needs anything more than another, more than all others, it is that uprightness, downrightness, forthrightness of character, that largeness of personality, which declines to bend the pregnant hinges of the knee that anything may follow—which declines to lay out paths and walks (I mean both kinds) on sinuous curves because others do so, which declines to model character upon the limber lines of the weeping willow or those of the serpent. What we need and what we want, and what down deep in our hearts we do most of all admire, is the pine tree that can send its shaft unshaken, like nature's steeple, into the upper air and hold it there, and the oak tree, with its honest heart and sturdy branches, that plays with the winds and storms and still stands firm upon the breezy mountain side, the oak-heart of the forest. (Applause.)

Buildings cannot be built with curved sticks. None ever were. Nor can the temple of civilization be built of sinuosities, indirections, curvatures. There has to be a foundation that runs on levels, walls that obey the homely and universal law of downright gravitation; girders that obey the law of weight;

pillars that stand in their uprightness to carry the superstructure and rest in their downrightness upon level foundations that carry all. In constructing this temple of civilization and human progress there must rise stout walls from side to side and end to end, from foundation to roof, built of the granite blocks of human intelligence, human understanding, human character. And these angular men of whom I have but briefly spoken are the only rectangular granite blocks in human nature that go to build or that can sustain the lasting and unshakable temples of human civilization and progress. (Applause).

ABUNDANCE, LARGENESS.

Here is another thing: let us look into nature. Where in all nature is there any sign of scantiness, of just enough to answer, or to do the business? Nowhere. The eggs in the quail's nest are ready to increase the flock. The eggs of the fish that go up the Columbia are abundant to cover all chances of destruction and waste and yet multiply the finny tribe. The grasses beneath our feet are thick and various enough to carry all requisite nourishment from the ground and turn it into a benediction to man. The air is deep enough and rich enough to refresh and replenish all and to restore every particle of used blood to its aerated and freshened condition for every living animal upon the earth, with fifty miles of depth of atmosphere above us to spare —abundance.

Industry by man, brought to bear upon the natural resources with which he is surrounded, produces a plenitude of supplies. If anywhere that plenty fails to reach any class, it is not the fault of nature, but the fault of some device, some failure, some sinuosity in the management of affairs by human nature.

Look to the clouds. I have spoken of Angelo in art. We can think of Wagner, Ruoenstein, Verdi and Donizetti in music. We can think of Calhoun, Clay, Benton, Webster, Stevens, Lincoln in statecraft—they were all abundant men. But think of the clouds, too. When we think of art and of growth, of things to spare, there is an Artist up in yonder depths who takes a handful of the waters of the sea today and tosses them abundantly against the edge of the continent for a thousand miles. He throws another handful of sunbeams upon the spray and paints the colors of the rainbow, makes the shadows in the clouds, and makes mountains of snow to float foundationless in the depths of space. (Applause).

And that is but for this evening, one evening—sunset. Tomorrow that same Divinity, the Artist Almighty freely takes a handful more of the whitecaps of the ocean, tosses them against the beach of the continent and casts another handful of sunbeams across the sky—it is another panorama, another canvas, but only one more sunset—abundance, plenitude inexhaustible. No repetition —supreme and immeasurable abundance. (Applause.) Abundant personality, that is something to live toward, move forward to; not that we shall be barely able with the brush, the paint and the little patch of canvass to make just one picture; not be barely able with the one degree of skill and learning to paint only one little picture upon the conscious canvas of the mind, but that there shall be such an abundance of understanding, such a liberality and plenitude of subjective resources, of inly life that we can paint the canvas today this, tomorrow the other way and the next day yet another. Then will the teacher, the instructor, the delineator be the real leader, and instead of relying much upon the rod, it will be seen to wither and shrink, and he will rely upon the magnetic force of human character upon human character, the magnetic force that awakens the purpose to join that which is excellent and great, instead of that which is inexcellent and small.

THE ZONE OF SUPREMACY.

We have zones in the books. Permit me to suggest one which is not in the books. Beneath the waters of the ocean we have myriads of life, from the microscopic, marine animalculæ up to the gigantic leviathan. This is one zone. We have in the atmosphere around us, and above us, all the vegetable and animal kingdom, and those of the animal kingdom that soar aloft. This is another zone. Then we have geographical zones, zones of temperature and the like. But there is one zone greater than all these, which understands and masters them all, penetrates all, governs all. It is the zone which surrounds the earth and

occupies the space between five and six feet above its surface. In that space, resting upon the human shoulders, is the zone of consciousness, the zone of brain-power, the habitation of whatever divinity abides on earth.

The alchemists of old sought for the secret by which they could turn the baser metals into gold. They soug' t too the fountain of perpetual youth, but they never discovered either. But there is a place in which the baser metals may be and are turned into imperishable gold; and that crucible is above the human ear, behind the human eye and beneath the human crown, it is the human brain, but four inches by four, and yet by it the impenetrable is penetrated, the imponderable is weighed, the unreachable is taken in conquest, and the unknown is made to surrender and become known. (Applause).

A crucible that works these miracles is also the source, the spring, the fountain of perpetual strength to the nation, the only source and supply of the perpetuity of civilization. And when nature lays down the burden of her riches, the wealth of her secrets, the strength of her forces, and places them at the feet of man, by him to be used for his own betterment and the betterment of all things dependent upon him, there is plenitude of power again, not merely to supply, but the power to out-go, to acquire, to take captive and to appropriate, thus making his strength stronger, humanity greater, and the scope of our visible realm of existence broader.

Some say that pursuit on the lines of these suggestions is labor. So is everything laborious that is of value. But one of the grandest things in the whole realm of nature, one of the laws which penetrates it everywhere as does the law of gravitation, is this: that the more we do by way of conquest and acquisition, the more we are strengthened by the doing; and so the less the labor and the greater the *play* of the powers, although the greater the achievement. Let me illustrate this; a mat will do. When we begin as children you may say that the frontage of one's capacities is the breadth of this mat, (Illustrating). The length in time of one's ability to use those faculties is the length of life. When we first begin the whole cross-section, the entire front of the mat is made up of cords and threads and materials of "I wish, I want, I desire." No sense of the love of labor or joy in achievement yet. That continues for awhile, and that childish end of the mat is made up of the fibres of "I wish, I desire." As more intelligence comes in and more duty is discharged, from one side here we weave in some other materials, pleasure in duty, enjoyment in activity, interest in achievement. As we progress and the years pass by, the discharge of duty and pleasure in its discharge, the self-consciousness of development, become voluntary enjoyments, these activities become exhilarating and more frequent, and these materials are woven further across the mat. And what are they? They are the sunny materials of "I ought, I achieve." And so we come down to years of maturity and the possession of the reasoning powers. We still wish a great deal, still desire much of the time, but we do discharge duty, we do develop our faculties; and now the mat may be said at this cross-section to be half and half, half "wish" and half "ought." We pass on, the faculties increasing, duties are discharged from day to day, it becomes easier meanwhile to weave in the material "I ought" and to leave out the other material "I wish." More and more of the mat becomes "I ought," less and less "I wish." And so, at the end of a well ordered and well spent life, we have our several mats before us with the babyhood of "I wish" at one end, and the maturity of the manhood and womanhood of "I ought" at the other. The two parts as they at last lie before us are two triangles woven wedgewise against each other, completing the mat, each our individual breadth and span of human life, the true measure and actual record of our narrowness and width. (Applause)

But there is another thing about this "I ought" and "I wish." The material "I ought" in human character not only widens itself upon the mat of human life as we progress, but it also sends scintillating light into the other material over the line, it not only illuminates its own triangle, but the other, too, and makes at once our labors lighter and our pleasures the purer and more joyful.

PACIFIC COAST CHILDREN.

Wherever we go on this coast we are struck, as distinguished travelers and scientists have been, with the fact that

the children give marvelous indications of native superiority. Far be it from me to attempt even to believe that, if it is not true. One of the frailest things in us is the willingness to believe something we would like to have true, whether the facts justify it or not.

When General Grant arrived from his tour around the world we had in our city ten thousand school children lined upon either side of the street for several blocks, upon elevated seats, so that they could see him and he them at least in the multitude. He alighted from his carriage and as he approached, every child tossed a bunch of roses and flowers before him, and so he literally walked upon a bed of roses between these walls of children. After his reception he stated that he had nowhere in his long circuit of travel around the world seen children whose faces looked like these. It has been stated to be a fact also by no less distinguished scientists than both the Professors LeConte, Professor John now deceased, and Professor Joseph, still living, that there is not known anywhere in the human race, children whose bodies, whose countenances or whose powers are superior to those of the Pacific coast. President Henry Durant once said to me in the university grounds on a Sunday morning: "I have just been in my study, I have been thinking about it, and I believe we shall have here some day on this bay of San Francisco, the modern Athens and the modern Greece."

I have thought of his remark often, and I believe it is altogether possible that the place where the human character, the human countenance and the human powers are going to come to their second greatness, nay, their greater greatness, may turn out to be here whither the course of empire has taken her way, upon the western side of the great republic, against the waters of the Pacific ocean. (Applause)

THE YOUNG MEN OF ATHENS.

They had in Greece a society of young men whose number was limited to twenty and who believed so much in the power of the understanding that they engaged and succeeded in discussing and mastering among themselves the most abstruse subjects without the employment of a word. They claimed, as did the great Roman actor, that nothing need be said in words, that everything could be stated otherwise, and that one intelligence could understand another without employing an interminable file of words one after another. So they used to hold their silent sessions in an acacia grove near Athens. One day a young Athenian who had prepared himself with great labor and devotion, hoping they would increase their number to twenty-one, went out to this acacia grove to offer himself to be admitted to membership with the immortal twenty. Of course he would render himself ineligible at once by speaking a word. He drew near to the shady spot where they were in session and by gesture and countenance indicated his desire to be admitted into their circle. The president of the session picked up a goblet level full of water to a drop and handed it to the applicant, thus saying: "Our ranks are full, we cannot receive you." There was a wild rose in bloom there. The young applicant, in vindication of his right to be admitted to membership, plucked a single rose leaf, and laid it so gently on the surface of the water as not to spill a drop, thus answering: "Although your circle is complete, the twenty-first will not break it"—thus proving his worthiness to be admitted into the order of the Athenian twenty. (Applause.) Their ranks were opened and their society thenceforth numbered twenty-one. This was in great Athens in the great days of Athens.

If this western shore is to be the greater Athens and is to salute its own best destiny, it is time the zeal and devotion of those young men of old Athens became the new zeal and devotion of this soil, this time and this air. Opportunities of excellence are widespread. The ranks of the men of thought and largeness are not limited to numbers now, neither to twenty nor to twenty thousand. Anyone of any class who has the true devotion can pluck the rose-leaf of abundant opportunity, secure his badge of worthiness and be welcomed into the ranks of the excellent. To enter those ranks, to become excellent, to swell the numbers of the excellent, that, my friends, is what we are here in the world for. (Applause.)

WORLD-DUST MAN, AND HUT.

Every man is born in a hut. There is no such thing as a rich baby. His hut

simply is inside palace walls, instead of being in the open field, that is all. Every one is born a pauper, walled in and roofed over with absolute poverty of helplessness and ignorance. He cannot even recognize himself. He is a hut-dweller, and every foot of the inside of his hut confronts him with the words "I don't know." He doesn't know a thing. All he is or has is capacity. Capacity, possibilities, are all the real riches infancy has. The others, so-called, are but environing walls around his hut.

Fortunately for us all, there are chinks in this hut, and cracks in the roof. A beam of light comes through, falls upon the cradle and upon that day the unconscious babe awakes and is conscious. He sees the *this* and the *that*—consciousness. Through a another chink a ray falls upon another germ of capacity, and self-consciousness springs into life. Then comes conscious individuality, possession and the *meum et tuum*. Then the sense of distance, quantity and quality and then intercourse, babbling, talking, observation, then inference, deduction—the child reasons; the little man is born again. What he was not he now is. Helplessness is becoming self-help, possibilities are becoming abilities, capacity is becoming power. (Applause).

DIGGING OUT—BORN AGAIN.

The boy takes his trowel and begins to dig in the wall. The chink widens, more light, he can see out, the eye strengthens—it is vision, knoweledge. He takes a hammer and drill and pounds away in another place darkly, then comes light—mathematics. An axe, an opening, a view—geography. A chisel and saw, a window, a landscape—one field of science. The chisel and saw again, another window, and another, he sees out and around—the landscape of the sciences. He climbs to the roof and assails that, conscious power and human reason call for liberty overhead—a hole, light from the sky, an outlook, the stars, the depths of space, infinity—correlative consciousness. I am but the little *this*, and all else is the vast *that*. From nothingness I am born into the world unconscious, and then born again into consciousness, into self-consciousness and again into correlative consciousness. The babe that was is now a man. His hut that was his restraint and jail is transformed into his observatory, and his prison is become the sunny habitation of his conscious and splendid powers. (Applause.) The walls and roof of his hut are gone, the spreading angles and arcs of his vision connect, he is the center of an entire circle of conquest, the horizon widens before his shining countenance, and there is no intercepting roof above him. Now he is rich, and now for the first time is he well born.

But he has work-dust upon him. He sees it and smiles approval at this evidence of his progressive liberation, the gold dust of achievement sprinkled on the regalia of the humble but only aristocracy on earth, those who point out to us and who achieve for themselves the wider horizon and the deeper sky. Work-dust is the gold-dust of achievement. Clean world-dust is the only token of true nobility, sifted down by the Divinity above, upon the capacity of divinity that there is below, golden grains sifted upon us to toll us to take wing and come home. (Applause.)

Many struggle to avoid this dust, not yet having learned that is clean, nor yet having learned that it is the regal mark of nobility. But there is no ambition sullied by being dusty with the genuine world-dust of achievement. The aspiration to be out of the native hut, to be born again, to be free and to be a conscious center of a widening circle of conquest—this is at once man's greatest motive and his highest destiny.

SOMETHING TO TALK ABOUT.

This aspiration is something to talk about. This is voluntary, it appertains to character, not surroundings. It is home-rule, it breaks the tyranny and the hut of environment. It is the turning of the will on its pillow by night and the voluntary motor of expanding life by day. Do you remember the statuary of the angel and the boy where the angel, over the boy's shoulder is whispering in his ear? That is the birth of purpose, some call it inspiration. Did you notice the boy's face, his eyes and the look that took hold of the future, the parted lips, the radiance of his countenance, the inclining form, the all but moving attitude, as if the wings of the mind were uplifting his body? Purpose is born, power rises from its couch, and aspiration takes its first glance across the recognized landscape of future achievement. It was the boy's first great moment. I doubt that there is any higher aspiration than this that, early or late, a man's influence might make bright

boys' faces look like that, rousing and exhibiting their kinship to divinity. We have at home Michael Angelo in marbel when he was a boy, in the academy grounds of the Medici, carving the ugly face of the satyr, in strong contrast with Michael's superb countenance. The sculptor Gonella has the boy with chisel firmly grasped and placed, the eyes riveted to the task, the lips parted with a confident smile, and he has seeming wings to his cap that look as if they would verily raise the weighty marble from its base. Art is great. But this is only marble, stone. It was Michael Angelo, the living boy and then the man that aspired, acheived and rose. World-dust got upon his garments, but the light of his acheivements in art still shines around the world. (Applause).

MAN OR BOY, WHICH?

Man is a boy, a big boy. The aspiration a boy needs, his father needs too, and he generally needs it more. In growing up, as it is called, we grow away bramble-wise, apart from the standard.

Men—if they trade, they cheat; if they have not, they covet; if they have, they hoard; if they do anything, they crave notoriety; if they prosper, they exult; if they fail, they sour; if they praise, they flatter; if they promise, they default; if they rule, they tyrranize; if they obey, they grudge; if they aspire, they scheme; if they do anything, have anything, suffer anything, are anything, they claim something, they feign something, they berate something, and are somewhat something else

A boy, a bright boy, that honors his father and loves his mother, what he may come to be as a man, I don't know; but now the better is the upper self. He lends without interest; he thirsts and learns without false ambition; he receives a gift with grateful surprise; he suffers disappointment with a tear and a quick-following smile, its twin; he prospers and runs and ingenuously tells his parents; awhile he plays ruler, and then awhile is voluntarily ruled by his playfellows in their games; he obeys without grudge; his storehouse of resentments has neither walls, nor floor nor roof; he turns to them and they are gone; he kisses without deceit, and he runs to your knee with the only unfair offer of a child—more happiness brought than you can furnish in exchange. When you toss him a pleasure he tosses you back a laughing voice as innocent and as tuneful as a bird's. (Applause).

Folks wonder when our boys will grow up to be men. I wonder when our men will grow up again to where they were as boys. Are our noon-plains of today as high as our morning mountains were the other day? If you look for aspirations, do not look down hill I do not say—Do not go down hill. A man that doesn't go down doesn't work, and a man that doesn't work is in effect already dead. It is indispensible to go down to the struggles of manhood, but it is not more so than to look often and well to the landmarks of the aspirations of boyhood.

THE PERSIAN MOTHER.

The Persian mother taught her boy three things: First, to rein the horse; second, to bend the bow; third, to tell the truth. That's a good standard. Rein your powers, bend your energies, and be sincere. That will bring a boy through—which means us. It gives him work and guides him in the invisible but ascending pathway. Work, activity regulated to accomplish something—that is it—activity regulated to accomplish an object. But a worker gets dust on him. Yes, and we ought to want it.

Dust, earth—she supports us, she feeds us, she receives us. Dust to dust—it is our common kismet. Have you never made down your bed on the honest earth, under one of her mountain bay-trees and looked up between protecting branches at the electric lamps, as nature lit one after another? If not, more's the pity. And if a man has and did not aspire to immortality, nothing in life or short of death can make him. Dust belongs to progress. She is certainly respectable. She walks, and it rises and follows behind her—behind, for she always advances. No aspiration, no work; no work, no dust; no dust, no progress. Dust—the clean dirt of the world's work, is the regalia of manhood. I have said "regalia"; that sounds like regal, our "kingly". That's the word, and it is true that the clean dirt of the world's work is the insignia of man's kingship. World-dust is not pitch. A man need not mistake pitch for clean earth-dust. You cannot conceal a pitch blotch with genuine world-dust. They are different things. They do not look alike or ac-

alike. Pitch mars and ruins; dust is honesty. Pitch destroys character; dust *characterizes* character itself. Pitch blackens; dust and sunshine only flush the honest cheek with the color of moral health. I propose an American adage: Dust, the clean dirt of the world's work, is the regalia of manhood. (Applause).

WORK'S MIRACLES.

There's a very singular thing about work. While its results and acheivements are governed by mathematics, yet it itself defies mathematics, the self-reliant exact science. Some things styled by us exact are exactly inexact. Mathematics teaches that if something is taken from something less remains than was there before. I deny that proposition. Of course that is true in and among objects, bodies and substances. But step forth into the realm of life, man's self-consciousness and correlative consciousness, in a word, human nature amidst nature, and it is not true that when something is taken from something less remains than before. You impart to me an idea tonight; have you any less information on that subject than before? You give me some entire idea you have; is none of it left to you because you parted with all of it to me? I took it all, yet left it all. This defies mathematics. You love your child today; does that detract from your fund with which to love the other child today or both of them the same tomorrow? You make happy and are made happy by a congenial friend; neither he nor you suffer subtraction.

DEFIES MATHEMATICS.

This law goes further; subtracting something from something actually adds to what was. The very formation of expression to an idea encases it to its first possessor, and sets the gem in his own mind; and strange to say at the same moment, that very expression becomes a vehicle and conveys that same idea to the second possessor. And so on. That defies mathematics. The exercise and bestowal of unselfish love but increases the power to love the more unselfishly and profoundly.

One Sunday morning our little fellow, who now lives above us, climbed upon my knee and the light fell so that by looking into my eye he could see his own image upon the surface of it. Seeing this miniature reflection of himself he put his finger softly near my eye and shouted in exultation "Baby, Baby," recognizing himself as in a mirror. And then I thought, Ah, my dear fellow, you see the image on the eye, but you do not know that you yourself are more than an image—the very apple of my eye. And could I not love him better on the morrow because that day I had loved him so? Yes—and so it is that ideas and the affections are not matters of subtraction or of once something and now less. It is always addition—more. Ideas and the affections are pro-creative; they re-create themselves without diminuation, and multiply themselves without division. Each when created becomes a creator; and the latest creation turns creator again. Think of that, a creation turns into a creator. This defies the laws of mathematics and perhaps suggests the differentiation and the perpetuity of that invisible something which animates us. Work itself works this same miracle. Working outwardly, we are worked upon inwardly. Working objectively we are chiseled to improvement or scarred to detriment subjectively. That is a splendid fact. Work an outward charity, and it chisels from inside a gentler lineament about the eye. Project determination upon the opposing difficulties of life, and it chisels firmer lineaments about the mouth. Put forth suspicion as a habit, and it will elevate the corners of the mouth, squint the muscles about the eye and make mean the countenance. Cast intelligence upon work, and it will bring back to the countenance of the worker a greater intelligence. In a word: let a man put forth from his whole personality the subjective output of a moral and intellectual life, and these things will nevertheless come back to the countenance of even mediocrity, and transform and re-create it into a countenance of great light and great force.

CHISELING COUNTENANCES AND CHARACTER.

A man may carve his fortune, but he is carving the countenance of his character, too. Every man and woman has to aspire to work, and to its clean dust, if either aspires only to have altogether the looks of a man or the looks of a woman. Besides other things, in that respect too, woman is man's peer. I state it broadly: No man wears his best countenance or secures his best image of the creator, unless and until his faculties and his lineaments are chiseled with the sunny edge of work's chisel. (Applause.)

Blank space doesn't count for much, it is the inhabitants of it that give point to space. Space itself only stares; what shines is the countenances of the stars. In human nature not all those who have features have countenances. Do you remember Webster's face? That is a countenance. The homely but splendid face of Abraham Lincoln is a countenance; and Edwin Booth, Wagner, Sara Bonheur and Christine Nillson had theirs. They had something in the mind, purposes and ideals. Ideals are great things. They deepen the eye; they sweeten the heart; they chisel the lineaments of the face; they illuminate the countenace—honest ideals; and they work the miracle, too, of making ordinary flesh and blood great in the features of man and divine in the countenance of woman. If we could see such minds and personalities as a unit, as a landscape we should understand them better. In tercourse word by word is an inadequate interchange between great personalities. If we could see one another's minds by landscapes of thought, could catch the purpose and the multitude of details in their swing and unity as in a picture and could see the purpose, the achievement and the world-dust together, one glance on the canvas would show that the characters with ideas and the countenances with ideals are the Masters picture, while the rest is almost vacant canvas.

TRAMPS WITHOUT KNOWING IT.

Every human creature grows only by experience and endeavor, expands and advances only by reason of that which life, inward or outward, imparts to him. No one can grow without food and exertion; and nobody is grown up to his full stature until the moment when the inly powers are benumbed by the decline of the outward body. I like humming birds and honey-suckles much, but I like eagles too—and there are mother's eagles.

Which would you rather be or have, a man who had gained a poem in a necktie, or one who had his poem in a hillside vineyard of vernal beauty in the spring and of purple wealth in autumn? For me, I would rather have the vineyard with that man than that man with the necktie. A vineyard where there was nothing before makes the cloud smile as it passes over, makes the earth laugh as it lies under, makes man glad as he passes by, and makes the mother and the brood happy down by the foot of the hill. A vineyard is a poem of work written on the earth; and the plain father who wrote his verse on the hillside had at the time world-dust on his hands, and a mighty pretty poem of purpose in his honest heart. (Applause).

All who share in the profits and promotion must share in the endeavor and loss. Everybody who claims a share in the achievements must join in the march or contribute support, sew the flag, nurse the sick, weave the fabric, bind up wounds or bury the dead—do something to overcome the enemy or to aid and abet our side and our people. He who does not participate, rich or poor, is human nature's tramp in the midst of great nature, whether he knows it or not. (Applause.)

LIFE THAT HAS LIFE IN IT.

Life is not a dead level. Deserts and stagnant pools are level; but springs bubble up and flow down. The ocean has wave crests and troughs, whitecaps and hollows, motion, activity and power. It is a thing of moods; and, smiling, tossing, sleeping or surging, it is infinite in the unity of its variety, ever and yet never the same. This is life.

The desert has dead heat and no forests. But the mountains, the mountains, they have shafts of sunshine and columns of shadow, tragedies in rock and poems in grottoes, sorrow among their pines and exultation in their cataracts, self-reliance in their sturdy oaks and modesty in their ferns of maiden's hair; snow on their brows, glaciers on their shoulders, and singing birds in their woods, whilst venerable glory abides on their hoary and everlasting peaks, and humility looks sweets from their blue-bells. This is life.

A warm stagnant pool—no signs of life in it except the inanimate reflection of things above, mere images beneath this dead mirror of a life wholly above it. Such counterfeit reflections and images at best are only exquisite mockeries of the real life. Likening a man to such a pool, he has no wave crest, no tide, no struggle, no mountain, no forest, no eagle, no pines in his life, nor glaciers, nor shafts of sunshine, nor columns of shadow; and no countenance in him as of these things. Let us turn away—this

is no place to be, looking into the ground at clouds, instead of standing yonder by the hearts of oak and looking from the breezy mountain into the sky. (Applause).

THE MAN AND WOMAN.

That man or that woman has done well who is able to look into a mirror and meet there a countenance that bears some kin to the tides and waves of the ocean and to the sunshine and shadow of the mountains; but the happiest man and woman on earth are they twain who can look into the countenances of each other as living mirrors and each see in the other mirror the living ocean and the living mountains while they hear cascades of laughter in their children's voices and see in their eyes blue-bells. They have the wider horizon and the deeper sky, and are they of the world-dust, of the huts of yesterday, but now citizens of the universe. It was the proudest boast of the Roman that he was a free Roman citizen; but it is the proudest boast and greatest destiny of man that he is a citizen of the universe. That, my friends, is what we are here for. (Applause).

SPEECH

OF

HON. STEPHEN A. DOUGLAS,

ON THE

"MEASURES OF ADJUSTMENT,"

DELIVERED IN THE CITY HALL, CHICAGO, OCTOCER 23, 1850.

WASHINGTON:
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PREFACE.

The following speech was made under peculiar circumstances. The two Senators from Illinois had sustained all the measures of adjustment. Upon his return home, Mr. Douglas found that the provisions of the Fugitive bill had been so grossly misrepresented, that public opinion was loud and fierce in its condemnation. The common council of the city of Chicago, in their official capacity, passed resolutions denouncing the law as a violation of the Constitution of the United States and of the higher law of God, and those Senators and Representatives who voted for it, and also those who were absent and consequently did not vote against it, as traitors, Benedict Arnolds, and Judas Iscariots. The council also released the "citizens, officers, and police of the city" from all obligation to assist or participate in the execution of the law, and declared that "it ought not to be respected by any intelligent community." On the next night, a mass meeting of the citizens was held for the purpose of approving and sanctioning the action of the common council, and organizing violent and successful resistance to the execution of the law. A committee reported to this meeting a series of resolutions more revolutionary in their character, and going to a greater extent in resisting the authority of the Federal Government, than even those of the common council. Numerous speeches, in support of the resolutions, were received with boisterous and furious applause, pledging their authors to resist even unto the dungeon and the grave. At length Mr. Douglas, being the only member of the Illinois delegation then in the city, appeared upon the stand, and stated, that in consequence of the action of the common council and the phrenzied excitement which seemed to rage all around him, he desired to be heard before the assembled people of the city in vindication of all the measures of adjustment, and especially of the Fugitive Slave law. He said he would not make a speech that night, because the call for the meeting was not sufficiently broad to authorize a speech in *defence* of those measures; but he would avail himself of that opportunity to give notice that on the next night he would address the people of Chicago upon these subjects. He invited men of all parties and shades of opinion to attend and participate in the proceedings, and assured them that he would answer every objection made, and every question which should be propounded, touching the measures of adjustment, and especially the Fugitive bill. After further discussion, and much confusion and opposition, the meeting was induced to adjourn, and hear Mr. Douglas's defence before they would condemn him. In the mean time, the excitement continued to increase, and the next night (Oct. 23d) a tremendous concourse of people assembled —by far the largest meeting ever held in the city—and Mr. Douglas delivered a speech, of which the following is a fair and tolerably good report, so far as to embrace the argument, omitting necessarily numerous incidents which could not be preserved by the reporter. The meeting then resolved *unanimously* to faithfully carry into effect the provisions of the Fugitive Slave law, and to perform every other duty and obligation under the Constitution of the United States. The meeting also adopted, with only eight or ten dissenting voices, a resolution repudiating the action of the common council, and then adjourned with nine cheers—three for Douglas, three for the Constitution, and three for our glorious Union. On the next night, the common council of the city of Chicago again assembled, and repealed their nullifying resolutions by a vote of 12 to 1.

SPEECH.

MR. DOUGLAS, said:

The agitation on the subject of Slavery now raging through the breadth of the land presents a most extraordinary spectacle. Congress, after a protracted session of nearly ten months, succeeded in passing a system of measures, which are believed to be just to all parts of the Republic, and ought to be satisfactory to the people. The South has not triumphed over the North, nor has the North achieved a victory over the South. Neither party has made any humiliating concessions to the other. Each has preserved its honor, while neither has surrendered an important right, or sacrificed any substantial interest. The measures composing the scheme of adjustment are believed to be in harmony with the principles of justice and the Constitution.

And yet we find that the agitation is re-opened in the two extremes of the Union with renewed vigor and increased violence. In some of the Southern States, special sessions of the Legislatures are being called for the purpose of organizing systematic and efficient measures of resistance to the execution of the laws of the land, and for the adoption of Disunion as the remedy. In the Northern States, municipal corporations, and other organized bodies of men, are nullifying the acts of Congress, and raising the standard of rebellion against the authority of the Federal Government.

At the South, the measures of adjustment are denounced as a disgraceful surrender of Southern rights to Northern abolitionism.

At the North, the same measures are denounced with equal violence as a total abandonment of the rights of freemen to conciliate the slave power.

The Southern disunionists repudiate the authority of the highest judicial tribunal on earth, upon the ground that it is a pliant and corrupt instrument in the hands of Northern fanaticism.

The Northern nullifiers refuse to submit the points at issue to the same exalted tribunal, upon the ground that the Supreme Court of the United States is a corrupt and supple instrument in the hands of the Southern slave-ocracy.

For these contradictory reasons the people in both sections of the Union are called upon to resist the laws of the land, and the authority of the Federal Government, by violence, even unto death and disunion.

Strange and contradictory positions!

Both cannot be true, and I trust in God neither may prove to be. We have fallen on evil times, when passion, and prejudice, and ambition, can so blind the judgments and deaden the consciences of men, that the truth cannot be

seen and felt. The people of the North, or the South, or both, are acting under a fatal delusion. Should we not pause, and reflect, and consider, whether we, as well as they, have not been egregiously deceived upon this subject? It is my purpose this evening to give a candid and impartial exposition of these measures, to the end that the truth may be known. It does not become a free people to rush madly and blindly into violence, and bloodshed, and death, and disunion, without first satisfying our consciences upon whose souls the guilty consequences must rest.

The measures, known as the Adjustment or Compromise scheme, are six in number:

1. The admission of California, with her free constitution.
2. The creation of a Territorial government for Utah, leaving the people to regulate their own domestic institutions.
3. The creation of a Territorial government for New Mexico, with like provisions.
4. The adjustment of the disputed boundary with Texas.
5. The abolition of the slave trade in the District of Columbia.
6. The Fugitive Slave bill.

The first three of these measures—California, Utah, and New Mexico—I prepared with my own hands, and reported from the Committee on Territories, as its chairman, in the precise shape in which they now stand on the statute book, with one or two unimportant amendments, for which I also voted. I, therefore, hold myself responsible to you, as my constituents, for those measures as they passed. If there is anything wrong in them, hold me accountable; if there is anything of merit, give the credit to those who passed the bills. These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. It was supposed that those of our fellow citizens who emigrated to the shores of the Pacific and to our other territories, were as capable of self-government as their neighbors and kindred whom they left behind them; and there was no reason for believing that they have lost any of their intelligence or patriotism by the wayside, while crossing the Isthmus or the Plains. It was also believed, that after their arrival in the country, when they had become familiar with its topography, climate, productions, and resources, and had connected their destiny with it, they were fully as competent to judge for themselves what kind of laws and institutions were best adapted to their condition and interests, as we were who never saw the country, and knew very little about it. To question their competency to do this, was to deny their capacity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently

enlightened to make laws for the protection of life, liberty, and property—of morals and education—to determine the relation of husband and wife, of parent and child—I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant. These things are all confided by the Constitution to each State to decide for itself, and I know of no reason why the same principle should not be extended to the Territories. My votes and acts have been in accordance with these views in all cases, except the instances in which I voted under your instructions. Those were your votes, and not mine. I entered my protest against them at the time—before and after they were recorded—and shall never hold myself responsible for them. I believed then, and believe now, that it was better for the cause of freedom, of humanity, and of republicanism, to leave the people interested to settle all these questions for themselves. They have intellect and consciences as well as we, and have more interest in doing that which is best for themselves and their posterity, than we have as their self-constituted and officious guardians. I deem it fortunate for the peace and harmony of the country that Congress, taking the same view of the subject, rejected the Proviso, and passed the bills in the shape in which I originally reported them. So far as slavery is concerned, I am sure that any man who will take the pains to examine the history of the question, will come to the conclusion that this is the true policy, as well as the sound republican doctrine. Mr. DOUGLAS here went into a historical view of the subject, to show that Slavery had never been excluded in fact from one inch of the American Continent by act of Congress. When the Federal Constitution was formed in '87, twelve of the thirteen States, then composing the Confederation, held slaves, and sustained the institution of slavery by their laws. Since that period slavery had been abolished in six of these twelve original slave States. How was this effected? Not by an act of Congress. Not by the interposition of the Federal Government. Congress had no power over the subject, and never attempted to interfere with it. Slavery was abolished in those States by the people of each, acting for themselves, and upon their own motion and responsibility. The people became convinced that it was for their own interests, and the interests of their posterity, pecuniarily and morally, and they did it of their own free will, and rigidly enforced their own laws.

So it was in the territory northwest of the Ohio river. By the act of Congress, known as the Ordinance of '87, slavery was prohibited by LAW, but not excluded *in fact*. Slavery existed in the Territories of Illinois and Indiana, in spite of the ordinance, under the authority of the territorial laws. Illinois was a slaveholding Territory in defiance of the act of Congress, but became a free State by the action of our own people, when they framed our State constitution, preparatory to their admission into the Union. So it was with Indiana. Oregon prohibited slavery by the action of her people under their provisional govern-

ment, several years before Congress established a territorial government. In short, wherever slavery has been excluded, and free institutions established, it has been done by the voluntary action of the people interested. Wherever Congress attempted to interfere in opposition to the wishes of the people of the territory, its enactments remained a dead letter upon the statute book, and the people took such legislative action as comported with their inclinations and supposed interests.

Mr. Douglas then referred to the country acquired from Mexico, and called the attention of the audience to the fact that the abolitionists had all predicted that slavery would certainly be introduced into those territories, unless Congress interfered and prohibited it by law, and condemned him because he was opposed to such interference. The problem is now solved. What was then a matter of opinion and disputation, has become an historical fact. Time has settled the controversy, and shown who was right and who was wrong. The Wilmot Proviso was not adopted. Congress did not prohibit slavery in those territories, and yet slavery does not exist in them. In California, it was prohibited by the people in the constitution with which that State was admitted into the Union. It is well known that the people of New Mexico, when they formed a constitution with the view of asking admission, also prohibited slavery. These facts show conclusively that all the predictions of the abolitionists upon this subject have been falsified by history, and that my own have been literally fulfilled. I refer to these facts, not in the spirit of self-gratulation, but to show that these men, who have alarmed the friends of freedom, and for a time partially controlled the popular sentiment, were themselves mistaken, and misled their followers; at the same time that their doctrine was at war with the whole spirit of our republican institutions.

But let us return to the measures immediately under discussion. It must be conceded that the question of the admission of California was not free from difficulty, independent of the subject of slavery. There were many irregularities in the proceedings; in fact, every step in her application for admission was irregular, when viewed with reference to a literal compliance with the most approved rules and usages in the admission of new States. On the other hand, it should be borne in mind that this resulted from the necessity of the case. Congress had failed to perform its duty—had established no territorial government, and made no provision for her admission into the Union. She was left without government, and was therefore compelled to provide one for herself. She could not conform to rules which had not been established, nor comply with laws which Congress had failed to enact. The same irregularities had occurred, however, and been waived, in the admission of other States under peculiar circumstances. True, they had not all occurred in the case of any one State; but some had in one, others in another; so that, by looking into the circumstances attending the admission of each of the new States, we find that all of these

irregularities, as they are called, had intervened and been waived in the course of our legislative history. Besides, the territory of California was too extensive for one State, (if we are to adopt the old States as a guide in carving out new ones,) being about three times the size of New York; and her boundaries were unnatural and unreasonable, disregarding the topography of the country, and embracing the whole mining region and her coast in the limits. Thus it will be seen that the slavery question was not the only real difficulty that the admission of California presented to the minds of calm and reflecting men; although it cannot be denied that it was the exciting cause, which stimulated a large portion of the people in one section to demand her instant admission, and in the other, to insist upon her unconditional rejection. Even in this point of view, I humbly conceive that the ultras in each extreme of the Republic acted under a misconception of their true interests and real policy. The whole of California–from the very nature of the country, her rocks and sands, elevation above the sea, climate, soil, and productions—was bound to be free territory by the decision of her own people, no matter when admitted or how divided. Hence, if considered with reference to the preponderance of political power between the free and slaveholding States, it was manifestly the true policy of the South to include the whole country in one State; while the same reasons should have induced the North to subdivide it into as many States as the extent of the territory would justify. But, in my opinion, it was not proper for Congress to act upon any such principle. We should know no North, no South, in our legislation; but look to the interests of the whole country. By our action in this case, the rights and privileges of California and the Pacific coast were principally to be affected. By erecting the country into one State instead of three, the people are to be represented in the Senate by two in the place of six Senators. If their interests suffer in consequence, they can blame no one but themselves; for Congress only confirmed what they had previously done. The problem in relation to slavery should have been much more easily solved. It was a question which concerned the people of California alone. The other States of the Union had no interest in it, and no right to interfere with it. South Carolina settled that question within her own limits to suit herself; Illinois has decided it in a manner satisfactory to her own people; and upon what principle are we to deprive the people of the State of California of a right which is common to every State in the Union ?

The bills establishing territorial governments for Utah and New Mexico are silent upon the subject of slavery; except the provision that, when they should be admitted into the Union as States, each should decide the question of slavery for itself. This latter provision was not incorporated in my original bills, for the reason that I conceive it to involved a principle so clearly deducible from the Constitution that it was unnecessary to embody it in the form of legal enactment. But when it was offered as an amendment to the bills, I cheer-

fully voted for it, lest its rejection should be deemed a denial of the principle asserted in it. The abolitionists of the North profess to regard these bills as a total abandonment of the principles of freedom, because they do not contain an express prohibition of slavery; while the ultras of the South denounce the same measures as equivalent to the Wilmot Proviso.

Of the Texas boundary I have but little to say, for the reason that I have scarcely heard it alluded to since my return home, although many complaints are made against it in other portions of the free States. It was an unfortunate dispute, which could result in no practical benefit to either party, no matter how decided. The territory in controversy was of no considerable value. If there was a spot upon the face of the American continent more worthless than any other; if there was a barren waste more desolate—sands more arid, and rocks more naked than all others—it was the country in dispute between Texas and the United States. Distant from navigation, and almost inaccessible for want of means of communication; void of timber, fuel, water or soil, with the exception of here and there a nook in the gorges of the mountains; it was entirely useless, save as it afforded hiding places for the wild and roaming savages. And yet the controversy was none the less serious and fierce in consequence of the barrenness of the country. Texas believed it to be hers, and deemed it a point of honor to maintain her title at all hazards and against all odds. Many of the States entertained doubts of the validity of the Texan claim, while others considered it entirely without foundation. In this state of the case, each party having partial possession, was mustering troops to render its possession complete to the exclusion of the other. Many of the slaveholding States, from sympathy with the peculiar institutions of Texas, were preparing to array themselves on the one side; while most of the free States, from aversion to those institutions, were expected to array themselves on the other. Thus were we plunging headlong and madly into a civil war, involving results which no human wisdom could foresee, and consequences which could be contemplated only with horror.

Fortunately this unnatural struggle was averted by the timely and judicious interposition of Congress. The Committee on Territories, to whom the subject had been referred, found it impossible to ascertain and agree upon the true boundary line of Texas, and accordingly authorized me, as their chairman, to report a bill for adjusting the boundary upon an arbitrary but convenient line, drawn through the centre of the Desert, and to pay Texas ———— dollars for relinquishing her claim to the waste lands outside of that line. I, therefore, reported this provision, at the same time that I brought in the bills for California, Utah, and New Mexico, with the intention of moving to fill the blank with ten millions of dollars. When the Committee of Thirteen, which was subsequently appointed, united into one the several bills which had been reported by the Committee on Territories, and thus formed what has been known

as the "Omnibus Bill," they made a slight change in the line which had been agreed upon by the Territorial committee. Upon the defeat of the Omnibus, Mr. PIERCE, of Maryland, brought in a separate bill for adjusting this boundary, predicated upon the principle, also, of an arbitrary but convenient line through the Desert, changing the courses, however, so as to obviate some objections which have been urged to the others, and paying Texas ten millions of dollars for relinquishing her claim. This bill, after having been joined in the House of Representatives to the bill establishing a Territorial government for New Mexico, passed both Houses, and became the law of the land. The people of Texas have since ratified it at the polls by an overwhelming majority; and thus this dangerous element of agitation has been withdrawn from the controversy by the mutual assent of the parties. And yet there are organized parties, in both extremes of the Union, who are striving to re-open the controversy by persuading the people that the rights and interests of theirown particular section have been basely betrayed in the settlement of this question. At the South, it is boldly proclaimed, and every where repeated, that sixty thousand square miles of *slave-territory* have been sold and converted into *free-soil*. On the other hand, the Northern nullifiers and Abolitionists are industriously impressing it upon the people that more than fifty thousand square miles of *free-soil* have been transferred to Texas, and converted into *slave-territory* by the act of Congress adjusting the Texas boundary. Such are the extremities to which prejudice and ambition can lead desperate men! Neither party has gained or lost any thing, so far as the question of slavery is concerned. Texas has gained ten millions of dollars, and the United States have saved, in blood and treasure, the expenses of a civil war.

The next in the series of measures was the bill for the abolition of the slave trade in the district of Columbia. This bill was prepared and reported by the Committee of Thirteen, and I gave it my cordial support. It has been represented at the South as a concession to the North, to induce us to perform our duties under the Constitution in the surrender of fugitives from labor, and much opposition has been raised against the whole scheme of adjustment on that account. I did not regard it in that light. My vote was given upon no such considerations. I believed each of the measures substantially right in itself, and, under the extraordinary circumstances by which we were surrounded, eminently wise and expedient. The bill does not abolish slavery in the district—does not emancipate the few slaves that are there, and interferes with no man's right of property. It simply provides that slaves shall not be brought from the surrounding States, or elsewhere, into the district for sale. In this respect, Congress only followed the example of the legislatures of Maryland, North Carolina, Kentucky, and, in fact, most of the slaveholding States. The country embraced within the limits of the District of Columbia, therefore, stands in precisely the same relation to the slave trade under this law, that it

would have stood under the laws of Maryland, if it had never been separated from that State. What justification can there be, then, for the assertion that this was a concession to the North? It does nothing more nor less than to apply the general principles of the legislation of a majority of the Southern States to the District of Columbia. But, while it was no concession from one section to the other, I had a right to expect that those modern philanthropists who have declaimed so eloquently and violently against the disgrace of the National Capitol, by the slave trade within its precincts, would have rejoiced with exceeding joy at the passage of this act. I have listened in vain for one word of approval or commendation from the advocates of abolition and nullification. While the whole series of Compromise measures are denounced in coarse and unmeasured terms, not one word of congratulation to the friends of freedom—not a word of approval of the act or of the conduct of those who voted for it—is allowed to escape their lips. All the other measures of the scheme of adjustment are attempted to be kept in the back ground, and concealed from the public view, in order that more prominence and importance may be given to what they are pleased to call "THE INFAMOUS FUGITIVE SLAVE BILL."

Before I proceed to the exposition of that bill, I will read the preamble and resolutions passed by the common council of this city, night before last.

Mr. Douglass then read as follows:

Whereas, The Constitution of the United States provides that the privilege of the writ of Habeas Corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it; and,

Whereas, The late act of Congress, purporting to be for the recovery of fugitive slaves, virtually suspends the Habeas Corpus and abolishes the right of trial by jury, and by its provisions, not only fugitive slaves, but white men, "owing service" to another in another State, viz., the apprentice, the mechanic, the farmer, the laborer engaged on contract or otherwise, whose terms of service are unexpired, may be captured and carried off summarily, and without legal resource of any kind; and,

Whereas, No law can be legally or morally binding on us which violates the provisions of the Constitution; and,

Whereas, Above all, in the responsibilities of human life, and the practice and propagation of Christianity, the laws of God should be held paramount to all human compacts and statutes: Therefore,

Resolved, That the Senators and Representatives in Congress from the Free States, who aided and assisted in the passage of this infamous law, and those who basely sneaked away from their seats, and thereby evaded the question, richly merit the reproach of all lovers of freedom, and are fit only to be ranked with the traitors, Benedict Arnold and Judas Iscariot, who betrayed his Lord and Master for thirty pieces of silver.

And Resolved, That the citizens, officers, and police of the city be, and they are hereby, requested to abstain from any and all interference in the capture and delivering up of the fugitive from unrighteous oppression, of whatever nation, name, or color.

Resolved, That the fugitive slave law lately passed by Congress is a cruel and unjust law, and ought not to be respected by any intelligent community, and that this Council will not require the city police to render any assistance for the arrest of fugitive slaves.

AYES—Ald. Milliken, Loyd, Sherwood, Foss, Throop, Sherman, Richards, Brady, and Dodge.

NAYS—Ald. Page and Williams.

But for the passage of these resolutions, said Mr. D., I should not have addressed you this evening, nor, indeed, at any time before my return to the Capitol. I have no desire to conceal or withhold my opinions, no wish to avoid the responsibility of a full and frank expression of them, upon this and all other subjects which were embraced in the action of the last session of Congress.

My reasons for wishing to avoid public discussion at this time, were to be found in the state of my health and the short time allowed me to remain among you.

Now to the resolutions. I make no criticism upon the language in which they are expressed; that is a matter of taste, and in every thing of that kind I defer to the superior refinement of our city fathers. But it cannot be disguised that the polite epithets of "traitors, Benedict Arnold and Judas Iscariot, who betrayed his lord and master for thirty pieces of silver," will be understood abroad as having a direct personal application to my esteemed colleague, Gen. SHIELDS, and myself. Whatever may have been the intention of those who voted for the resolutions, I will do the members of the council the justice to say, that I do not believe they intended to make any such application. But their secret intentions are of little consequence, when they give their official sanction to a charge of infamy, clothed in such language that every man who reads it must give it a personal application. The whole affair, however, looks strange, and even ludicrous, when contrasted with the cordial reception and public demonstrations of kindness and confidence, and even gratitude for supposed services, extended to my colleague and myself upon our arrival in this city one week ago. Then we were welcomed home as public benefactors, and invited to partake of a public dinner, by an invitation numerously signed by men of all parties and shades of opinion. The invitation had no sooner been declined, for reasons which were supposed to be entirely satisfactory, and my colleague started for his home, than the common council, who are presumed to speak officially for the whole population of the city, attempted to brand their honored guests with infamy, and denounce them as Benedict Arnolds and Judas Iscariots! I have read somewhere that it was a polite custom, in other countries and a different age, to invite those whom they secretly wished to destroy to a feast, in order to secure a more convenient opportunity of administering the hemlock! I acquit the common council of any design of introducing that custom into our hospitable city. But I have done with this subject, so far as it has a personal bearing.

It is a far more important and serious matter, when viewed with reference to the principles involved, and the consequences which may result. The common council of the city of Chicago have assumed to themselves the right, and actually exercised the power, of determining the validity of an act of Congress, and have declared it void upon the ground that it violates the Constitution of the United States and the law of God! They have gone further; they declared, by a solemn official act, that a law passed by Congress "ought not to be respected by any intelligent community," and have called upon "the citizens, officers, and police of the city" to abstain from rendering any aid or assistance in its execution! What is this but naked, unmitigated nullification? An act of the American Congress nullified by the common council of the city of Chicago! Whence did the council derive their authority? I have been able

to find no such provision in the city charter, nor am I aware that the legislature of Illinois is vested with any rightful power to confer such authority. I have yet to learn that a subordinate municipal corporation is licensed to raise the standard of rebellion, and throw off the authority of the Federal Government, at pleasure! This is a great improvement upon South Carolinian nullification. It dispenses with the trouble, delay, and expense of convening legislatures and assembling conventions of the people, for the purpose of resolving themselves back into their original elements, preparatory to the contemplated revolution. It has the high merit of marching directly to its object, and by a simple resolution, written and adopted on the same night, relieving the people from their oaths and allegiance, and of putting the nation and its laws at defiance! It has heretofore been supposed, by men of antiquated notions, who have not kept up with the progress of the age, that the Supreme Court of the United States was invested with the power of determining the validity of an act of Congress passed in pursuance of the forms of the Constitution. This was the doctrine of the entire North, and of the nation, when it became necessary to exert the whole power of the Government to put down nullification in another portion of the Union. But the spirit of the age is progressive, and is by no means confined to advancement in the arts and physical sciences. The science of politics and of government is also rapidly advancing to maturity and perfection. It is not long since that I heard an eminent lawyer propose an important reform in the admirable judicial system of our State, which, he thought, would render it perfect. It was so simple and eminently practicable, that it could not fail to excite the admiration of even the casual inquirer. His proposition was, that our judicial system should be so improved as to allow an appeal, on all constitutional questions, from the supreme court of this State to two justices of the peace! When that shall have been effected, but one other reform will be necessary to render our national system perfect, and that is, to change the federal Constitution, so as to authorize an appeal, upon all questions touching the validity of acts of Congress, from the Supreme Court of the United States to the common council of the city of Chicago!

So much for the general principles involved in the acts of the council. I will now examine briefly the specific grounds of objection urged by the council against the Fugitive Slave bill, as reasons why it should not be obeyed.

The objections are two in number: first, that it suspends the writ of habeas corpus in time of peace, in violation of the Constitution; secondly, that it abolishes the right of trial by jury.

How the council obtained the information that these two odious provisions were contained in the law, I am unable to divine. One thing is certain, that the members of the council, who voted for these resolutions, had never read the law, or they would have discovered their mistake. There is not one word in it in respect to the writ of habeas corpus or the right of trial by jury. Neither

of these subjects is mentioned or referred to. The law is entirely silent on those points. Is it to be said that an act of Congress, which is silent on the subject, ought to be construed to repeal a great constitutional right by implication? Besides, this act is only an amendment—amendatory of the old law—the act of 1793—but does not repeal it. There is no difference between the original act and the amendment, in this respect. Both are silent in regard to the writ of habeas corpus and the right of trial by jury. If to be silent is to suspend the one and abolish the other, then the mischief was done by the old law fifty-seven years ago. If this construction be correct, the writ of habeas corpus has been suspended, and trial by jury abolished, more than half a century, without anybody ever discovering the fact, or, if knowing it, without uttering a murmur of complaint.

Mr. DOUGLAS then read the whole of the act of 1793, and compared its provisions with the amendment of last session, for the purpose of showing that the writ of habeas corpus and the right of trial by jury were not alluded to or interfered with by either. But I maintain, said Mr. D., that the writ of habeas corpus is applicable to the case of the arrest of a fugitive under this law, in the same sense in which the Constitution intended to confer it, and to the fullest extent for which that writ is ever rightfully issued in any case. In this I am fully sustained by the opinion of Mr. Crittenden, the Attorney General of the United States. As soon as the bill passed the two Houses of Congress, an abolition paper raised the alarm that the habeas corpus had been suspended. The cry was eagerly caught up, and transmitted, by lightning, upon the wires, to every part of the Union, by those whose avocation is agitation. The President of the United States, previous to signing the bill, referred it to the Attorney General, for his opinion upon the point whether any portion of it violated any provision of the Constitution of the United States, and especially whether it could possibly be construed to suspend the writ of habeas corpus. I have the answer of the Attorney General before me, in which he gives it as his decided opinion that every part of the law is entirely consistent with the Constitution, and that it does not suspend the writ of habeas corpus. I would commend the argument of the Attorney General to the careful perusal of those who have doubts upon the subject. Upon the presentation of this opinion, and with entire confidence in its correctness, President Filmore signed the bill.

[Here Mr. DOUGLAS was interrupted by a person present, who called his attention to the last clause of the 6th section of the bill, which he read, and asked him what construction he put upon it, if it did not suspend the writ of habeas corpus.]

Mr. Douglas, in reply, expressed his thanks to the gentleman who propounded the inquiry. His object was to meet every point, and remove every doubt that could possibly be raised; and he expressed the hope that every

gentleman present would exercise the privilege of asking him questions upon all points upon which he was not fully satisfied. He then proceeded to answer the question which had been propounded. That section of the bill provides for the arrest of the fugitive and the trial before the commissioner; and, if the facts of servitude, ownership, and escape be established by competent evidence, the commissioner shall grant a certificate to that effect, which certificate shall be conclusive of the right of the person in whose favor it is issued to remove the fugitive to the State from which he fled. Then comes the clause which is supposed to suspend the habeas corpus: "*And shall prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.*"

The question is asked, whether the writ of habeas corpus is not a "PROCESS" within the meaning of this act? I answer, that it undoubtedly is such a "process," and that it may be issued by any court or judge having competent authority—not for the purpose of "molesting" a claimant, having a servant in his possession, with such a certificate from the commissioner or judge, but for the purpose of ascertaining the fact whether he has such a certificate or not; and if so, whether it be in due form of law; and if not, by what authority he holds the servant in custody. Upon the return of the writ of habeas corpus, the claimant will be required to exhibit to the court his authority for conveying that servant back; and if he produces a "certificate" from the commissioner or judge, in due form of law, the court will decide that it has no power to "molest the claimant" in the exercise of his rights under the law and the Constitution. But if the claimant is not able to produce such certificate, or other lawful authority, or produces one which is not in conformity with law, the court will set the alleged servant at liberty, for the very reason that the law has not been complied with. The sole object of the writ of habeas corpus is to ascertain by what authority a person is held in custody; to release him, if no such authority be shown; and to refrain from any molestation of the claimant, if legal authority be produced. The habeas corpus is necessary, therefore, to carry the Fugitive law into effect, and, at the same time, to prevent a violation of the rights of freemen under it. It is essential to the security of the claimant, as well as the protection of the rights of those liable to be arrested under it. The reason that the writ of habeas corpus was not mentioned in the bill must be obvious. The object of the new law seems to have been, to amend the old one in those particulars wherein experience had proven amendments to be necessary, and in all other respects to leave it as it had stood from the days of Washington. The provisions of the old law have been subjected to the test of long experience—to the scrutiny of the bar and the judgment of the courts. The writ of habeas corpus had been adjudged to exist in all cases under it, and had always been resorted to when a proper case arose. In

amending the law there was no necessity for any new provision upon this subject, because nobody desired to change it in this respect.

But why this extraordinary effort, on the part of the professed friends of the fugitive, to force such a construction upon the law, in the absence of any such obnoxious provision, as to deprive him of the benefit of the writ of habeas corpus? The law does not do so in terms; and if it is ever accomplished, it must be done by implication, contrary to the understanding of those who enacted it, and in opposition to the practice of the courts, acquiesced in by the people, from the foundation of the government. One would naturally suppose, that if there was room for doubt as to what is the true construction, those who claim to be the especial and exclusive friends of the negro would contend for that construction which is most favorable to liberty, justice, and humanity. But not so. Directly the reverse is the fact. They exhaust their learning, and exert all their ingenuity and skill, to deprive the negro of all rights under the law. What can be the motive? Certainly not to protect the rights of the free, or to extend liberty to the oppressed; for they strive to fasten upon the law such a construction as would defeat both of these ends. Can it be a political scheme, to render the law odious, and to excite prejudice against all who voted for it, or were unavoidably absent when it passed? No matter what the motive, the effect would be disastrous to those whose rights they profess to cherish, if their efforts should be successful.

Now, a word or two in regard to the right of trial by jury. The city council, in their resolutions, say that this law abolishes that right. I have already shown you that the council are mistaken—that the law is silent upon the subject, and stands now precisely as it has stood for half a century. If the law is defective on that point, the error was committed by our fathers in 1793, and the people have acquiesced in it ever since, without knowing of its existence or caring to remedy it. The new act neither takes away nor confers the right of trial by jury. It leaves it just where our fathers and the Constitution left it under the old law. That the right of trial by jury exists in this country for all men, black or white, bond or free, guilty or innocent, no man will be disposed to question who understands the subject. The right is of universal application, and exists alike in all the States of the Union; it always has existed, and always will exist, so long as the Constitution of the United States shall be respected and maintained, in spite of the efforts of the abolitionists to take it away by a perversion of the Fugitive law. The only question is, *where* shall this jury trial take place? Shall the jury trial be had in the State where the arrest is made, or the State from which the fugitive escaped? Upon this point the act of last session says nothing, and, of course, leaves the matter as it stood under the law of '93. The old law was silent on this point, and therefore left the courts to decide it in accordance with the Constitution. The highest judicial tribunals in the land have always held that the jury trial must take place in the State under whose

jurisdiction the question arose, and whose laws were alleged to have been violated. The same construction has always been given to the law for surrendering fugitives from justice. It provides also for sending back the fugitive, but says nothing about the jury trial, or where it shall take place. Who ever supposed that that act abolished the right of trial by jury? Every day's practice and observation teach us otherwise. The jury trial is always had in the State from which the fugitive fled. So it is with a fugitive from labor. When he returns, or is surrendered under the law, he is entitled to a trial by jury of his right of freedom, and always has it when he demands it. There is great uniformity in the mode of proceeding in the courts of the southern States in this respect. When the supposed slave sets up his claim, to the judge or other officer, that he is free, and claims his freedom, it becomes the duty of the court to issue its summons to the master to appear in court with the alleged slave, and there to direct an issue of freedom or servitude to be made and tried by a jury. The master is also required to enter into bonds for his own appearance and that of the alleged slave at the trial of the cause, and that he will not remove the slave from the county or jurisdiction of the court in the mean time. The court is also required to appoint counsel to conduct the cause for the slave, while the master employs his own counsel. All the officers of the court are required by law to render all facilities to the slave for the prosecution of his suit free of charge, such as issuing and serving subpœnas for witnesses, &c. If upon the trial the alleged slave is held to be a free man, the master is required to pay the costs on both sides. If, on the other hand, he is held to be a slave, the State pays the costs. This is the way in which the trial by jury stood under the old law; and the new one makes no change in this respect. If the act of last session be repealed, that will neither benefit nor injure the fugitive, so far as the right of trial by jury is concerned.

For these two reasons—the habeas corpus and the trial by jury—the common council have pronounced the law unconstitutional, and declared that it ought not to be respected by an enlightened community. I have shown that neither of the objections are well founded, and that if they had taken the trouble to read the law before they nullified it, they would have avoided the mistake into which they have fallen. I have spoken of the acts of the city council in general terms, and it may be inferred that the vote was unanimous. I take pleasure in stating that I learn from the published proceedings that there was barely a quorum present, and that Aldermen Page and Williams voted in the negative.

Having disposed of the two reasons assigned by the common council for the nullification of the law, I shall be greatly indebted to any gentleman who will point out any other objection to the new law, which does not apply with equal force to the old one. My object in drawing the parallel between the new and old law is this: The law of '93 was passed by the patriots and sages who framed our glorious Constitution, and approved by the father of his country.

I have always been taught to believe that they were men well versed in the science of government, devotedly attached to the cause of freedom, and capable of construing the Constitution in the spirit in which they made it. That act has been enforced and acquiesced in for more than half a century, without a murmur or word of complaint from any quarter.

I repeat—will any gentleman be kind enough to point out a single objection to the new law, which might not be urged with equal propriety to the act of '93 ?

[Here a gentleman present rose, and called the attention of Mr. Douglas to the penalties in the seventh section of the new law, and desired to know if there were any such obnoxious provisions in the old one.]

Mr. Douglas then read the section referred to, and also the fourth section of the act of '93, and proceeded to draw the parallel between them. Each makes it a criminal offence to resist the due execution of the law; to knowingly and wilfully obstruct or hinder the claimant in the arrest of the fugitive; to rescue such fugitive from the claimant when arrested; to harbor or conceal such person after notice that he or she was a fugitive from labor. In this respect the two laws were substantially the same in every important particular. Indeed the one was almost a literal copy of the other. I can conceive of no act which would be an offence under the one, that would not be punishable under the other. In the speeches last night, great importance was given to the clause which makes it an offence to harbor or conceal a fugitive. You were told that you could not clothe the naked, nor feed the hungry, nor exercise the ordinary charities towards suffering humanity, without incurring the penalty of the law. Is this a true construction of that provision ? The act does not so read. The law says that you shall not "harbor or conceal such fugitive, *so as to prevent the discovery and arrest* of such person after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid." This does not deprive you of the privilege of extending charities to the fugitive. You may feed him, clothe him, may lodge him, provided you do not harbor or conceal him, so as to prevent discovery and arrest, after notice or knowledge that he is a fugitive. The offence consists in preventing the discovery and arrest of the fugitive after knowledge of the fact, and not in extending kindness and charities to him. This is the construction put upon a similar provision in the old law by the highest judicial tribunals in the land. The only difference between the old law and the new one, in respect to obstructing its execution, is to be found in the amount of the penalty, and not in the principle involved.

But it is further objected that the new law provides, in addition to the penalty for a civil suit for damages, to be recovered by an action of debt by any court having jurisdiction of the cause. This is true; but it is also true that a similar

provision is to be found in the old law. The concluding clause in the last section of the act of '93 is as follows :

"Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any proper court to try the same; *saving, moreover, to the person claiming such labor or service, his right of action for or on account the said injuries, or either of them.*"

Thus it will be seen, that upon this point there is no difference between the new and the old law.

Is there any other provision of this law upon which explanation is desired?

[A gentleman present referred to the 10th section, and desired an explanation of the object and effect of the record from another State therein provided for.]

I am glad, said Mr. D., that my attention has been called to that provision; for I heard a construction given to it, in the speeches last night, entirely different to the plain reading and object of that section. It is said, that this provision authorizes the claimant to go before a court of record of the county and State where he lives, and there establish by ex parte testimony, in the absence of the fugitive, the facts of servitude, of ownership, and escape; and when a record of these facts shall have been made, containing a minute description of the slave, it shall be conclusive evidence against a person corresponding to that description, arrested in another State, and shall consign the person so arrested to perpetual servitude. The law contemplates no such thing, and authorizes no such result. I have the charity to believe that those who have put this construction upon it have not carefully examined it. The record from another State predicated upon "satisfactory proof to such court or judge" before whom the testimony may be adduced, and the record made, is to be conclusive of two facts only:

1st. That the person named in the record does owe service to the person in whose behalf the record is made.

2d. That such person has escaped from service.

The language of the law is, that "the transcript of the record authenticated," &c., "shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of such person escaping is due to the party in such record mentioned." The record is conclusive of these two facts, so far as to authorize the fugitive to be sent back for trial under the laws of the State whence he fled; *but it is no evidence that the person arrested here is the fugitive named in the record.* The question of *identity* is to be proven here to the satisfaction of the commissioner or judge, before whom the trial is had, by "*other and further evidence.*" This is the great point in the case. The whole question turns upon it. The man arrested may correspond to the description set forth in the record, and yet not be the same individual. We

often meet persons resembling each other to such an extent that the one is frequently mistaken for the other. The identity of the person becomes a matter of proof—a fact to be established by the testimony of competent and disinterested witnesses, and to be decided by the tribunal before whom the trial is had, conscientiously and impartially, according to the evidence in the case. The description in the record, unsupported by other testimony, is not evidence of the identity. It is not inserted for the especial benefit of the claimant—much less to the prejudice of the alleged slave. It is required as a test of truth, a safe-guard against fraud, which will often operate favorably to the fugitive, but never to his injury. If the description be accurate and true, no injustice can possibly result from it. But if it be erroneous or false, the claimant is concluded by it; and the fugitive, availing himself of the error, defeats the claim, in the same manner as a discrepancy between the allegations and the proof, in any other case, results to the advantage of the defendant. I repeat, that when an arrest is made under a record from another State, the identity of the person must be established by competent testimony. The trial, in this instance, would be precisely the same as in the case of a white man arrested on the charge of being a fugitive from justice. The writ of the governor, predicated upon an indictment, or even an affidavit, from another State, containing the charge of crime, would be conclusive evidence of the right to take the fugitive back; but the identity of the person in that case, as well as a fugitive from labor, must be proven in the State where the arrest is made, by competent witnesses, before the tribunal provided by law for that purpose. In this respect, therefore, the negro is placed upon a perfect equality with the white man who is so unfortunate as to be charged with an offence in another State, whether the charge be true or false. In some respects, the law guards the rights of the negro, charged with being a fugitive from labor, more rigidly than it does those of a white man who is alleged to be a fugitive from justice. The record from another State must be predicated upon "proof satisfactory to the court or judge" before whom it is made, and must set forth the "matter proved," before it can be evidence against a fugitive from labor, or for any purpose; whereas, an innocent white man, who is so unfortunate as to be falsely charged with a crime in another State, by the simple affidavit of an unknown person, without indictment, or proof to the satisfaction of any court, is liable to be transported to the most distant portions of this Union for trial.

Here we find the act of last session is a great improvement upon the law of '93 in reference to fugitives, white or black, whether they fled from justice or labor. But it is objected that the testimony before the court making the record is *ex parte*, and therefore in violation of the principles of justice and the Constitution, because it deprives the accused of the privilege of meeting the witnesses face to face, and of cross examination. Gentlemen forget that all proceedings for the arrest of fugitives are necessarily *ex parte*, from the nature of

the case. They have fled beyond the jurisdiction of the court, and the object of the proceeding is that they may be brought back, confront the witnesses, and receive a fair trial according to the constitution and laws. If they would stay at home in order to attend the trial and cross examine the witnesses, the record would be unnecessary, and the Fugitive law in operative. It is no answer to this proposition to say that slavery is no crime, and therefore the parallel does not hold good. I am not speaking of the guilt or innocence of slavery. I am discussing our obligations under the constitution of the United States. That sacred instrument says that a fugitive from labor "*shall be delivered up* on the claim of the owner. The same clause of the same instrument provides that fugitives from justice shall be delivered up. We are bound by our oaths to our God to see that claim as well as every other provision of the Constitution carried into effect. The moral, religious, and constitutional obligations resting upon us, here and hereafter, are the same in the one case as in the other. As citizens, owing allegiance to the Government and duties to society, we have no right to interpose our individual opinions and scruples as excuses for violating the supreme law of the land as our fathers made it, and as we are sworn to support it. The obligation is just as sacred, under the Constitution, to surrender fugitives from labor as fugitives from justice. And the Congress of the United States, according to the decision of the Supreme Court, are as imperatively commanded to provide the necessary legislation for the one as for the other. The act of 1793, to which I have had occasion to refer so frequently, and which has been read to you, provided for these two cases in the same bill. The first half of that act, relating to fugitives from justice, applies, from the nature and necessity of the case, principally to white men; and the other half, for the same reasons, applies exclusively to the negro race. I have shown you, by reading and comparing the two laws in your presence, that there is no constitutional guaranty—or common law right—or legal, or judicial privilege—for the protection of the white man against oppression and injustice, under the law, framed in 1793, and now in force, for the surrender of fugitives from justice, that does not apply in all its force in behalf of the negro, when arrested as a fugitive from labor, under the act of the last session. What more can the friends of the negro ask than, in all his civil and legal rights under the Constitution, he shall be placed on an equal footing with the white man? But it is said that the law is susceptible of being abused by perjury and false testimony. To what human enactment does not the same objection lie? You, or I, or any other man, who was never in California in his life, are liable, under the constitution, to be sent there in chains for trial as a fugitive from justice by means of perjury and fraud. But does this fact prove that the Constitution, and the laws for carrying it into effect, are wrong, and should be resisted, as we were told last night, even unto the dungeon, the gibbet, and the grave? It only demonstrates to us the necessity of providing all the safeguards, that the

wit of man can devise, for the protection of the innocent and the free, at the same time that we religiously enforce, according to its letter and spirit, every provision of the Constitution. I will not say that the act recently passed for the surrender of fugitives from labor accomplishes all this; but I will thank any gentleman to point out any one barrier against abuse in the old law, or in the law for the surrender of white men, as fugitives from justice, that is not secured to the negro under the new law. I pause in order to give any gentleman an opportunity to point out the provision. I invite inquiry and examination. My object is to arrive at the truth—to repel error and dissipate prejudice—and to avoid violence and bloodshed. Will any gentleman point out the provision in the old law, for securing and vindicating the rights of the free man, that is not secured to him in the act of last session?

[A gentleman present rose and called the attention of Mr. DOUGLAS to the provision for paying out of the Treasury of the United States the expenses of carrying the fugitive back in case of anticipated resistance.]

Ah, said Mr. D., that is a question of dollars and cents, involving no other principle than the costs of the proceeding! I was discussing the question of human rights—the mode of protecting the rights of freemen from invasion, and the obligation to surrender fugitives under the Constitution. Is it possible that this momentous question, which, only forty-eight hours ago, was deemed of sufficient importance to authorize the city council to nullify an act of Congress, and raise the standard of rebellion against the Federal Government, has dwindled down into a mere petty dispute, who shall pay the costs of suit? This is too grave a question for me to discuss on this occasion. I confess my utter inability to do it justice. Yesterday the Constitution of the ocean-bound Republic had been overthrown; the privileges of the writ of habeas corpus had been suspended; the right of trial by jury had been abolished; pains and penalties had been imposed upon every humane citizen who should feed the hungry and cover the naked; the law of God had been outraged by an infamous act of a traitorous Congress; and the standard of rebellion, raised by our city fathers, was floating in the breeze, calling on all good citizens to rally under its sacred folds, and resist with fire and sword——the payment of the costs of suit upon the arrest of a fugitive from labor!

I will pass over this point, and inquire whether there is any other provision of this law upon which an explanation is desired? I hope no one will be backward in propounding inquiries, for I have but a few days to remain with you, and desire to make a clean business of this matter on the present occasion. Is there any other objection?

[A gentleman rose, and desired to know why the bill provides for paying ten dollars to the commissioner for his fee in case he decided in favor of the claimant, and only five dollars if he decided against him.]

I presume, said Mr. DOUGLAS, the reason was that he would have more labor to perform. If, after hearing the testimony, the commissioner decided in favor of the claimant, the law made it his duty to prepare and authenticate the necessary papers to authorize him to carry the fugitive home; but if he decided against him, he had no such labor to perform. The law seems to be based upon the principle that the commissioner should be paid according to the service he should render—five dollars for presiding at the trial, and five dollars for making out the papers in case the testimony should require him to return the fugitive. This provision appears to be exciting considerable attention in the country, and I have been exceedingly gratified at the proceedings of a mass meeting held in a county not far distant, in which it was resolved unanimously that they could not be bribed, for the sum of five dollars, to consign a freeman to perpetual bondage! This shows an exalted state of moral feeling, highly creditable to those who participated in the meeting. I doubt not they will make their influence felt throughout the State, and will instruct their members of the legislature to reform our criminal code in this respect. Under our laws, as they have stood for many years, and probably from the organization of our State government, in all criminal cases, on the preliminary examination before the magistrates, and in all the higher courts, if the prisoner be convicted, the witnesses, jurors, and officers are entitled to their fees and bills of costs; but if he be acquitted, none of them receive a cent. In order to diffuse the same high moral sense throughout the whole community, would it not be well, at their next meeting, to pass another resolution, that they would not be bribed by the fees and costs of suit in any case, either as witnesses, jurors, magistrates, or in any other capacity, to consign an innocent man to a dismal cell in the penitentiary, or expose him to an ignominious death upon the gallows? Such a resolution might do a great deal of good in elevating the character of our people abroad, at the same time that it might inspire increased confidence in the liberality and conscientiousness of those who adopted it!

Is there any other objection to this law?

[A gentleman rose, and called the attention of Mr. Douglas to the provision vesting the appointment of the Commissioners under it in the courts of law, instead of the President and Senate, and asked if that was not a violation of that provision of the Constitution which says that Judges of the Supreme Courts, and of the inferior courts, should be appointed by the President and Senate.]

I thank the gentleman, said Mr. D., for calling my attention to this point. It was made in the speech of a distinguished lawyer last night, and evidently produced great effect upon the minds of the audience. The gentleman's high professional standing, taken in connexion with his laborious preparation for the occasion, as was apparent to all, from his lengthy written brief before him,

while speaking, inspired implicit confidence in the correctness of his position. My answer to the objection will be found in the Constitution itself, which I will read, so far as it bears upon this question :

" The President shall nominate, and by and with the consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States, where appointments are not herein otherwise provided for, and which shall be established by law."

Now it will be seen that the words " inferior courts" are not mentioned in the Constitution. The gentleman in his zeal against the law, and his frenzy to resist it, interpolated these words, and then made a plausible argument upon them. I trust this was all unintentional, or was done with the view of fulfilling the " higher law." But there is another sentence in this same clause of the Constitution which I have not yet read. It is as follows:

" But the Congress may by law vest the appointment of such *inferior officers* as they think proper in the President alone, *in the Courts of Law*, or in the heads of Departments."

The practise under this clause has usually been to confer the power of appointing those inferior officers, whose duties were executive or ministerial, upon the President alone, or upon the head of the appropriate department; and in like manner to give to the courts of law the privilege of appointing their subordinates, whose duties were in their nature judicial. What is meant by "inferior officers," whose appointment may be vested in the " courts of law," will be seen by reference to the 8th section of the Constitution, where the powers of Congress are enumerated, and among them is the following :

"To constitute tribunals *inferior to the Supreme Court.*"

Is the tribunal which is to carry the fugitive law into effect inferior to the Supreme Court of the United States ? If it is, the Constitution expressly provides for vesting the appointment in the courts of law. I will remark, however, that these commissioners are not appointed under the new law, but in obedience to an act of Congress which has stood on the statute books for many years. If those who denounce and misrepresent the act of last session, had condescended to read it before they undertook to enlighten the people upon it, they would have saved themselves the mortification of exposure, as I will show by reading the first section.

Here Mr. Douglas read the law, and proceeded to remark : Thus it will be seen that these commissioners have been in office for years, with their duties prescribed by law, nearly all of which were of a judicial character, and that the new law only imposes additional duties, and authorizes the increase of the number. Why has not this grave constitutional objection been discovered before, and the people informed how their rights have been outraged in violation of the supreme law of the land ? Truly, the passage of the Fugitive bill has thrown a flood of light upon constitutional principles !

Is there any other objection to the new law which does not apply to the act of '93 ?

[A gentleman rose, and said that he would like to ask another question, which was this: if the new law was so similar to the old one, what was the necessity of passing any at all, since the old one was still in force ?]

Mr. Douglas, in reply, said, that is the very question I was anxious some one should propound, because I was desirous of an opportunity of answering it. The old law answered all the purposes for which it was enacted tolerably well, until the decision by the Supreme Court of the United States, in the case of Priggs vs. the State of Pennsylvania, eight or nine years ago. That decision rendered the law comparatively inoperative, for the reason that there was scarcely any officers left to execute it. It will be recollected that the act of '93 imposed the duty of carrying it into effect upon the magistrates and other officers under the State governments. These officers performed their duties under that law, with fidelity, for about fifty years, until the Supreme Court, in the case alluded to, decided that they were under no legal obligation to do so, and that Congress had no constitutional power to impose the duty upon them. From that time, many of the officers refused to act, and soon afterwards the legislature of Massachusetts, and many other States, passed laws making it criminal for their officers to perform these duties. Hence the old law, although efficient in its provisions, and similar in most respects, and especially in those now objected to, almost identical with the new law, became comparatively a dead letter for want of officers to carry it into effect. The judges of the United States courts were the only officers left who were authorized to execute it. In this State for instance, Judge Drummond, whose residence was in the extreme northwest corner of the State, within six miles of Wisconsin and three of Iowa, and in the direction where fugitives were least likely to go, was the only person authorized to try the case.

If a fugitive was arrested at Shawneetown or Alton, three or four hundred miles from the residence of the judge, the master would attempt to take him across the river to his home in Kentucky or Missouri, without first establishing his right to do so. This was calculated to excite uneasiness and doubts in the minds of our citizens, as to the propriety of permitting the negro to be carried out of the State, without the fact of his owing service, and having escaped, being first proved, lest it might turn out that the negro was a free man and the claimant a kidnapper. And yet, according to the express terms of the old law, the master was authorized to seize his slave wherever he found him, and to carry him back without process, or trial, or proof of any kind whatsoever. Hence, it was necessary to pass the act of last session, in order to carry into effect, in a peaceable and orderly manner, the provisions of the law and the Constitution on the one hand, and to protect the free colored man from being kidnapped and sold into slavery by unprincipled men on the other hand. The

purpose of the new law is to accomplish these two objects—to appoint officers to carry the law into effect, in the place of the magistrates relieved from that duty by the decision of the Supreme Court, and to guard against harassing and kidnapping the free blacks, by preventing the claimant from carrying the negro out of the State, until he establishes his legal right to do so. The new law, therefore, is a great improvement in this respect upon the old one, and is more favorable to justice and freedom, and better guarded against abuse.

[A person present asked leave to propound another question to Mr. DOUGLAS, which was this: "If the new law is more favorable to freedom than the old one, why did the southern slaveholders vote for it, and desire its passage?"]

Mr. DOUGLAS said he would answer that question with a great deal of pleasure. The southern members voted for it for the reason that it was a better law than the old one—better for them, better for us, and better for the free blacks. It places the execution of the law in the hands of responsible officers of the government, instead of leaving every man to take the law into his own hands and to execute it for himself. It affords personal security to the claimant while arresting his servant and taking him back, by providing him with the opportunity of establishing his legal rights by competent testimony before a tribunal duly authorized to try the case, and thus allay all apprehensions and suspicions, on the part of our citizens, that he is a villain, attempting to steal a free man for the purpose of selling him into slavery. The slaveholder has as strong a desire to protect the rights of the free black man as we have, and much more interest to do so; for he well knows, that if outrages should be tolerated under the law, and free men are seized and carried into slavery; from that moment the indignant outcry against it would be so strong here and everywhere, that even a fugitive from labor could not be returned, lest he also might happen to be free. The interest of the slaveholder, therefore, requires a law which shall protect the rights of all free men, black or white, from any invasion or violation whatever. I ask the question, therefore, whether this law is not better than the old one—better for the North and the South—better for the peace and quiet of the whole country? Let it be remembered that this law is but an amendment to the act of '93, and that the old law still remains in force, except so far as it is modified by this. Every man who voted against this modification, thereby voted to leave the old law in force; for I am not aware that any member of either House of Congress ever had the hardihood to propose to repeal the law, and make no provisions for carrying the Constitution into effect. But the cry of repeal, as to the new law, has already gone forth. Well, suppose it succeeds; what will those have gained who joined in the shout? Have I not shown that all the material objections they urge against the new law, apply with equal force to the old one? What do they gain, therefore, unless they propose to repeal the old law, also, and make no provision for performing our obligations under the Constitution? This must be the object of all

men who take that position. To this it must come in the end. The real objection is not to the new law, nor to the old one, but to the Constitution itself. Those of you who hold these opinions, do not mean that the fugitive from labor shall be taken back. That is the real point of your objection. You would not care a farthing about the new law, or the old law, or any other law, or what provisions it contained, if there was a hole in it big enough for the fugitive to slip through and escape. Habeas corpuses—trials by jury—records from other States—pains and penalties—the whole catalogue of objections, would be all moonshine, if the negro was not required to go back to his master. Tell me, frankly, is not this the true character of your objection?

[Here several gentlemen gave an affirmative answer.]

Mr. Douglas said he would answer that objection by reading a portion of the Constitution of the United States. He then read as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, BUT SHALL BE DELIVERED UP on the claim of the party to whom such service or labor may be due."

This, said Mr. D., is the supreme law of the land, speaking to every citizen of the republic. The command is imperative. There is no avoiding—no escaping the obligation, so long as we live under, and claim the protection of, the Constitution. We must yield implicit obedience, or we must take the necessary steps to release ourselves from the obligation to obey. There is no other alternative. We must stand by the Constitution of the Union, with all its compromises, or we must abolish it, and resolve each State back into its original elements. It is, therefore, a question of union or disunion. We cannot expect our brethren of other States to remain faithful to the compact, and permit us to be faithless. Are we prepared, therefore, to execute faithfully and honestly the compact our fathers have made for us?

[Here a gentleman rose, and inquired of Mr. Douglas, whether the clause in the Constitution providing for the surrender of fugitive slaves was not in violation of the law of God?]

Mr. Douglas in reply—The divine law is appealed to as authority for disregarding our most sacred duties to society. The city council have appealed to it, as their excuse for nullifying an act of Congress; and a committee embodied the same principle in their resolutions to the meeting in this hall last night, as applicable both to the Constitution and laws. The general proposition that there is a law paramount to all human enactments—the law of the Supreme Ruler of the Universe—I trust that no civilized and Christian people is prepared to question, much less deny. We should all recognise, respect, and revere the divine law. But we should bear in mind that the law of God, as revealed to us, is intended to operate on our consciences, and insure the performance of our duties as individuals and Christians. The divine law does not prescribe

the form of government under which we shall live, and the character of our political and civil institutions. Revelation has not furnished us with a constitution—a code of international law—and a system of civil and municipal jurisprudence. It has not determined the right of persons and property—much less the peculiar privileges which shall be awarded to each class of persons under any particular form of government. God has created man in his own image, and endowed him with the right of self-government, so soon as he shall evince the requisite intelligence, virtue, and capacity to assert and enjoy the privilege. The history of the world furnishes few examples where any considerable portion of the human race have shown themselves sufficiently enlightened and civilized to exercise the rights and enjoy the blessings of freedom. In Asia and Africa we find nothing but ignorance, superstition, and despotism. Large portions of Europe and America can scarcely lay claim to civilization and Christianity; and a still smaller portion have demonstrated their capacity for self-government. Is all this contrary to the laws of God? And if so, who is responsible? The civilized world have always held, that when any race of men have shown themselves so degraded, by ignorance, superstition, cruelty, and barbarism, as to be utterly incapable of governing themselves, they must, in the nature of things, be governed by others, by such laws as are deemed applicable to their condition. It is upon this principle alone that England justifies the form of government she has established in the Indies, and for some of her other colonies—that Russia justifies herself in holding her serfs as slaves, and selling them as a part of the land on which they live—that our Pilgrim Fathers justified themselves in reducing the negro and Indian to servitude, and selling them as property—that we, in Illinois and most of the free States, justify ourselves in denying the negro and the Indian the privilege of voting, and all other political rights—and that many of the States of the Union justify themselves in depriving the white man of the right of the elective franchise, unless he is fortunate enough to own a certain amount of property.

These things certainly violate the principle of absolute equality among men, when considered as component parts of a political society or government, and so do many provisions of the Constitution of the United States, as well as the several States of the Union. In fact, no government ever existed on earth in which there was a perfect equality, in all things, among those composing it and governed by it. Neither sacred nor profane history furnishes an example. If inequality in the form and principles of government is therefore to be deemed a violation of the laws of God, and punishable as such, who is to escape? Under this principle all Christendom is doomed, and no Pagan can hope for mercy! Many of these things are, in my opinion, unwise and unjust, and, of course, subversive of Republican principles; but I am not prepared to say that they are either sanctioned or condemned by the divine law. Who can assert

that God has prescribed the form and principles of government, and the character of the political, municipal, and domestic institutions of men on earth? This doctrine would annihilate the fundamental principle upon which our political system rests. Our forefathers held that the people had an inherent right to establish such Constitution and laws for the government of themselves and their posterity, as they should deem best calculated to insure the protection of life, liberty, and the pursuit of happiness; and that the same might be altered and changed as experience should satisfy them to be necessary and proper. Upon this principle the Constitution of the United States was formed, and our glorious Union established. All acts of Congress passed in pursuance of the Constitution are declared to be the supreme laws of the land, and the Supreme Court of the United States is charged with expounding the same. All officers and magistrates, under the Federal and State Governments—executive, legislative, judicial, and ministerial—are required to take an oath to support the Constitution, before they can enter upon the performance of their respective duties. Any citizen, therefore, who, in his conscience, believes that the Constitution of the United States is in violation of a "higher law," has no right, as an honest man, to take office under it, or exercise any other function of citizenship conferred by it. Every person born under the Constitution owes allegiance to it; and every naturalized citizen takes an oath to support it. Fidelity to the Constitution is the only passport to the enjoyment of rights under it. When a Senator elect presents his credentials, he is not allowed to take his seat until he places his hand upon the holy evangelist, and appeals to his God for the sincerity of his vow to support the Constitution. He, who does this, with a mental reservation or secret intention to disregard any provision of the Constitution, commits a double crime—is morally guilty of perfidy to his God and treason to his country!

If the Constitution of the United States is to be repudiated upon the ground that it is repugnant to the divine law, where are the friends of freedom and Christianity to look for another and a better? Who is to be the prophet to reveal the will of God and establish a Theocracy for us?

Is he to be found in the ranks of northern abolitionism, or of southern disunion; or is the common council of the city of Chicago to have the distinguished honor of furnishing the chosen one? I will not venture to inquire what are to be the form and principles of the new government, or to whom is to be intrusted the execution of its sacred functions; for, when we decide that the wisdom of our revolutionary fathers was foolishness, and their piety wickedness, and destroy the only system of self government that has ever realized the hopes of the friends of freedom, and commanded the respect of mankind, it becomes us to wait patiently until the purposes of the Latter Day Saints shall be revealed unto us.

For my part, I am prepared to maintain and preserve inviolate the Con-

stitution as it is with all its compromises, to stand or fall by the American Union, clinging with the tenacity of life to all its glorious memories of the past and precious hopes of the future.

Mr. Douglas then explained the circumstances which rendered his absence unavoidable when the vote was taken on the Fugitive bill in the Senate. He wished to avoid no responsibility on account of that absence, and therefore desired it to be distinctly understood that he should have voted for the bill if he could have been present. He referred to several of our most prominent and respected citizens by name, as personally cognizant of the fact that he was anxious at that time to give that vote. He believed the passage of that or some other efficient law a solemn duty, imperatively demanded by the Constitution. In conclusion, Mr. D. made an earnest appeal to our citizens to rally as one man to the defence of the Constitution and laws, and above all things, and under all circumstances, to put down violence and disorder, by maintaining the supremacy of the laws. He referred to our high character for law and order heretofore, and also to the favorable position of our city for commanding the trade between the North and South, through our canals and railroads, to show that our views and principles of action should be broad, liberal, and national, calculated to encourage union and harmony, instead of disunion and sectional bitterness. He concluded by remarking, that he considered this question of fidelity to the Constitution and supremacy of the laws, as so far paramount to all other considerations, that he had prepared some resolutions to cover these points only, which he would submit to the meeting, and take their judgment upon them. If he had consulted his own feelings and views only, he should have embraced in the resolutions a specific approval of all the measures of the compromise; but as the question of rebellion and resistance to the Federal Government has been distinctly presented, it has been thought advisable to meet that issue on this occasion, distinct and separate from all others.

Mr. Douglas then offered the following resolutions, which were adopted without a dissenting voice:

Resolved, That it is the sacred duty of every friend of the Union to maintain, and preserve inviolate, every provision of our Federal Constitution.

Resolved, That any law enacted by Congress, in pursuance of the Constitution, should be respected as such by all good and law-abiding citizens; and should be faithfully carried into effect by the officers charged with its execution.

Resolved, That so long as the Constitution of the United States provides, that all persons held to service or labor in one State, escaping into another State, "SHALL BE DELIVERED UP on the claim of the party to whom the service or labor may be due," and so long as members of Congress are required to take an oath to support the Constitution, it is their solemn and religious duty to pass all laws necessary to carry that provision of the Constitution into effect.

Resolved, That if we desire to preserve the Union, and render our great Republic inseperable and perpetual, we must perform all our obligations under the Constitution, at the same time that we call upon our brethren in other States to yield implicit obedience to it.

Resolved, That as the lives, property, and safety of ourselves and our families depend upon the observance and protection of the laws, every effort to excite any portion of our population to make resistance to the due execution of the laws of the land, should be promptly and emphatically condemned by every good citizen.

Resolved, That we will stand or fall by the American Union and its Constitution, with all its compromises, with its glorious memories of the past and precious hopes of the future.

[The following was offered in addition by B. S. Morris, and also adopted:]

Resolved, That we, the people of Chicago, repudiate the resolutions, passed by the common council of Chicago, upon the subject of the Fugitive Slave law passed by Congress at its last session.

On the succeeding night the common council of the city repealed their nullifying resolution by a vote of 12 to 1.

The Purification and Reconstruction of the American Union.

AN

ORATION

DELIVERED AT

Vallejo, July IV, 1867.

BY

FRANKLIN ELIOT FELTON.

PUBLISHED BY REQUEST.

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ORATION.

On the placid bosom of San Francisco Bay gently rocks at anchor a plague-stricken ship, whose cabin and decks have lately witnessed scenes of anguish, tribulation, and death, that appall the stoutest heart, and blanch the manliest cheek. As the frigate Jamestown, on her mission of mercy, reposed on the sunny waters of Panama, Grim Pestilence invaded her dark hull, and, without authority of a commission, assumed supreme command, issuing imperious orders with more than martial rigor.

Descending to the orlop deck he grappled bluff sailors and marines, and straightway the shriek of agony, the ravings of delirium and the rattle of death resounded through the fated vessel. Stalwart men, impotent to cope with their merciless adversary, succumbed beneath his ponderous strokes, and were reverently borne by sorrowing comrades to lonely graves by the shore of the resonant sea. Gloating on the havoc and

craving more illustrious victims, the flushed conqueror, turning from the humble deck, strode through the cabin door and knocked with icy hand at the state-room of the scarred veteran and the rosy-cheeked ensign.

Though environed by peril and menaced with destruction, the gallant officers and crew neither shrank from duty nor deserted their posts. Staring fate in the face, they soothed their afflicted shipmates, and awaited with fortitude their impending doom.

Ordered to duty on the infected vessel, officers hastened aboard without falter, although conscious of entering their living sepulcher. With pious tenderness comrades closed the eyelids of the dying, and performed the last sad rites over loved companions.

At last the welcome order sounded to remove the charnel-ship to some salubrious clime, and the emaciated crew, summoning their wasted strength, and with eager alacrity manned the capstan and weighed anchor, joyous to escape from the loathsome bay and its attendant gloom. Long, weary days the ship, becalmed, lay motionless on the waters; the sails flapped listlessly around the masts, yet the Angel of Death remorselessly claimed his victims.

At length propitious breezes wafted the vessel

to the colder North, whose salutary blasts stiffened the limbs and congealed the blood of the Tropical Fiend. During the mournful voyage a voracious shark followed the wake of the pestilent vessel until the last sufferer was consigned to the cavernous sea, and the monster was deprived of his prey.

As the straining eye of the lookout discerned the distant land, an ecstatic shout of relief burst forth spontaneously from every throat. Spare sails were spread on mast and yard; raven-like the frigate skimmed through the Golden Gate and anchored in the hospitable bay, where health, sympathy, and repose, greeted the hapless wanderers.

Purified and repaired, the same frigate shall hereafter sail to foreign lands, and proudly bear the starry flag to earth's remotest bounds, but the ravages of the pestilence will never be effaced. Loving hearts shall wither beneath its corroding blight, and happy homesteads mourn the devastating scourge.

The recent history of the United States discloses a marked similitude between the ill-fated Jamestown and the American Nation.

Six years ago that staunch Ship of State, the Union, was stricken with pestilence during a prosperous voyage, favored with propitious winds,

unclouded skies, and tranquil seas. The virulence of infection deranged the intellect of its victims, and convulsed them with delirium. In paroxysms of frenzy they assailed their shipmates, and strove to sink the vessel itself, and were themselves decimated in bloody strife.

Conciliation and kindness failed to calm their rage, but rather intensified their furious animosity. The epidemic assailed, with fatal malignancy, officers of the highest rank, who disseminated contagion to the crew. Contaminated with disease and racked with dissension, the gallant ship tossed helplessly on the seething billows of popular commotion. The whirlpool of passion yawned to engulf her in its dark abyss; the rocks of discord pierced her sides, and the simoon of carnage whirled her onward toward the reefs and quicksands of National dissolution, while mercenary wreckers, England and France, gazed with rapture on her peril, and gloated in anticipation over the coveted spoils from the wreck of the stately ship. In the wake of the infected vessel followed a ravenous shark, to prey on the victims and batten on misfortune. This leviathan, named Brittania, spawned the Florida and Alabama, Twin Monsters of the deep.

But the noble Union was not doomed to wreck. The pure winds from the North swept over her

with healing power, and scattered the seeds of death as with a besom. Health returned to the pallid cheek, and vigor to the wasted frame. Loving hearts and willing hands rescued the vessel from her perilous surroundings, and guided her safely into the haven of Peace.

On this consecrated day be ours the duty to purify, repair, and refit the Ship of State, and launch anew the glorious Union for a more prosperous voyage on the broad ocean of Time.

"O, then, sail on, thou Ship of State!
Sail on, O, Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
Fear not each sudden sound and shock—
'Tis of the wave, and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on! nor fear to breast the sea—
Our hearts, our hopes are all with thee!
Our hearts, our hopes, our prayers, our tears,
Our faith, triumphant o'er our fears,
Are all with thee—are all with thee!"

The allegory of the infected ship suggests the theme of the hour—the Purification and Reconstruction of the American Union.

In the task of National Reconstruction, the American people must be actuated by a spirit of magnanimity and mercy toward their late antagonists. The fervent benevolence of California is never invoked in vain in the sacred cause of mercy and humanity. Vividly do I recall the thrill of delight that electrified the loyal States at the lavish bounty of California to the Sanitary Commission during the dark days of war. Her timely benefaction infused vitality into a holy enterprise, which was then languishing and ready to perish. Her lofty spirit of patriotic beneficence spread from the Pacific to the Atlantic, and kindled the glow of charity in the hearts of the Northern people. Emulating California's bright example, State vied with State in largess to sick and wounded soldiers. Eminent men forsook their avocations, and devoted themselves to the relief of suffering humanity, binding up the wounds and assuaging the pangs alike of friend and foe. Gentle women, foregoing the luxuries of home and the blandishments of refined society, followed the army to the sanguinary fields of battle, and with delicate hands performed kindly offices for the mutilated heroes, or in tender accents whispered words of consolation in the ear of the dying.

The youth of the country shared the patriotic

enthusiasm. Deft fingers of girlhood wrought articles of necessity or comfort for their brave defenders; and ingenuous boys, renouncing their customary sports and amusements, cheerfully donated their mite to deeds of Heaven-born charity.

History presents no nobler spectacle than the catholic beneficence, the lavish generosity, and the magnanimous clemency of the American people in mitigating the horrors of civil war, and as a Californian I am justly proud that my adopted State vitalized and expanded the grandest philanthropy of the Ages.

The same pure spirit of mercy has lately been evoked by the piteous appeals of our late antagonists, and the golden affluence of California benevolence has clothed the naked, fed the hungry, and nursed the sick in the devastated South.

The merciful spirit of California craves not the confiscated property of misguided brothers, nor seeks to immure deluded relatives in gloomy dungeons, or immolate them on the scaffold, but, like the Divine Master, it raises them up that are cast down, and says to the erring: "Thy sins are forgiven thee; go and sin no more."

Forgiveness and conciliation will restore harmony to our lacerated country, and draw the vail of oblivion over ancient feuds and fierce contention. More precious than remittances of gold for

the needy and afflicted would be the infusion of the true California spirit into wrangling States, to heal suicidal wounds, and restore vitality and vigor to the shattered Union.

The Roman conquerors were wont to chain their captives to their chariot wheels and drag them in triumph through the streets of the Imperial City, and afterwards treat them as slaves and menials. Civilization and Christianity recoil from such brutality, and the Law of Nations, based on the refined sentiment of the Age, requires the conqueror to treat his captives with courtesy, respect, and humanity. All Christendom was shocked at the bestial spirit that starved American citizens in Southern prisons during the Civil War, and civilized nations throughout the world are now tingling with odium against the barbarous Mexicans, who, in cold blood, shot a prisoner of war—Maximilian—who, although an invader and usurper, was nevertheless a gallant gentleman and the victim of base treachery.

The conquest of our brothers should be celebrated by displays of fraternal affection, remission of sins, and magnanimous clemency. We cannot drag our own kindred in triumphal procession along crowded thoroughfares, chained as captives to the conqueror's car; we cannot send them under the humiliating yoke, nor degrade

them to the condition of slaves and menials; but to win their hearts by generosity and forbearance will redound to our glory more than the laurels of Cæsar or the victories of Alexander.

In reconstructing the Union sectional animosity must be eradicated, root and branch, and mutual respect and good-fellowship be universally cultivated by the denizens of the different sections of our common country.

In by-gone times, sectional antagonism dissevered the country North and South, and local jealousies, and acrimonious feuds, culminated in mutual aversion and estrangement, germinating Civil War. Northmen lampooned the men of the South as a spurious chivalry, contemned their impulsiveness of action and impassioned speech as bluster and gasconade, and sneered at their valor as bravado. The Southrons retorted by stigmatizing the Northmen as craven Yankees; sordid worshipers of the almighty dollar, with no aspirations beyond mere trade and lucre; devoid of lofty sentiments of honor; cringing sycophants, incapable of resenting an affront, or defending their rights.

Mutual crimination and recrimination ensued, and each party was deceived by a false estimate of the other's character. This fatal misconception has been washed out in brothers' blood, and

history now records that high daring, patriotic endurance, and true manhood, are universal, and not sectional among Americans, and that the combined valor of the united country renders the American Republic invincible.

When we are in our graves, and the passions and prejudices of the present shall have perished, the impartial historian will delineate the American conflict.

In graphic phrase will he portray that illustrious commander, Grant, and exhibit to the world that comprehensive sagacity which formed combinations ramifying over a Continent, and yet so minute as to grasp scattered squads of the enemy in its constricting folds. He will dilate on Grant's tenacity of will, his earnestness and purity of purpose, and his inflexible determination to conquer, which spurned intervening obstacles, laughed at defeat, and eventuated in ultimate triumph.

He will eulogise that self-reliance which conceived and perfected the plans of vigorous campaigns, and the reticence which locked them up in his own bosom, and kept his own counsel, until they ripened into action.

He will extol the modesty of the hero who listened with serene composure to the shouts of victory, and the plaudits of admiring multitudes.

The same historian will likewise describe Grant's antagonist, General Lee.

He will enumerate the high qualities Lee displayed as a Commander: his wonderful resources in waging protracted warfare with limited men and scanty means; his marvelous skill exhibited in the impregnable fortifications surrounding Richmond; the daring spirit which led him to cross the Potomac, invade Pennsylvania, and confront the Union army at Gettysburg, and the consummate ability with which he withdrew his shattered forces, with a victorious army in his rear.

He will picture Lee's incursion into Maryland, and his march on Washington, and relate that the opportune arrival of an Army Corps from the Peninsula alone saved the Federal Capital from capture by the Confederate forces.

He will depict Lee's surrender and calm submission to fate, his retirement to literary pursuits, and his wise counsel to his comrades to return to their allegiance.

The historian will describe Sherman's Grand March to the sea, and Farragut's naval exploits, eclipsing in splendor the triumphs of Collingwood and Nelson.

In gorgeous colors he will portray gallant Phil. Sheridan spurring on his foaming charger to

Winchester; rallying his discomfited men; impetuously charging at their head, and whirling the routed enemy down the Shenandoah Valley.

Yet the self-same pen will delineate Stonewall Jackson—the religious fanatic—who prayed earnestly, and fought vehemently against his country.

The historian will comment on that celerity of movement which gained for Jackson's infantry the appellation of Foot Cavalry, and relate how suddenly he swooped down on the right wing of the Federal Army, then on the left, next on the center, and afterwards assailed some isolated corps. He will dilate on Jackson's fiery zeal; his purity of life; his fanatical devotion to human servitude; his magnetic influence over his soldiers; his restless energy, and his profound conviction of the righteousness of his unholy cause, all of which traits combined to render him a Thunderbolt of War.

These men of the South, though perverse, were still our Countrymen, and we should dispassionately anticipate the judgment of posterity, and claim for the American people the brilliant generalship, the skillful strategy, the impetuous valor, the endurance of suffering, and the tenacious will, displayed alike by Northmen and Southrons in their unnatural conflict. The prowess of both armies dispelled the illusion that Southrons are

braggarts, or that Northmen lack courage. The ordeal of battle impressed the belligerents with mutual respect for their antagonists, and if the same sentiment were universally disseminated among the people, sectional discord would never again rear its horrid front and germinate Civil War.

The Ship of State is unfortunately polluted by a political Jonah, called the Demagogue, and happy were it for the Country, if, like his prototype, he were cast into the sea. So long as this pest be tolerated by the people, the purification of the body politic will be incomplete.

The malign influence of the Demagogue has already fixed a stigma on Republican institutions, and raised a doubt whether the Government of the people for the people and by the people is not a delusion and a sham. Political machination and artifice have installed corrupt and incompetent men in office, caused the enactment of unjust laws, and waste of public money.

The roll of our Presidents is searched in vain for the name of Webster or Clay, of Douglas or Preston, of Choate or Everett, those intellectual giants, whose eloquence, patriotism, and statesmanship, are the rich heritage of the country.

In place of our foremost men appear the names of accidental heroes and political schemers.

Senatorial dignity has even descended to the illiterate adventurer, the brazen trickster, and the pliant tool of faction. In the Representative Hall, at Washington, we blush to see the graduates of the bar-room, the faro-bank, and the prize-ring.

Men of bad repute, sullied character, and feeble intellect, are inaugurated Governors; State Legislators reek with venality, ignorance, and dishonor; municipal governments are controlled by adroit sharpers, who form "rings" to plunder the exchequer, and burden the community with onerous taxes.

Primary elections, which, in fact, determine the candidates for public offices, are manipulated by crafty aspirants, aided by the dregs of society, who perform their nefarious bidding, and overawe or outvote men of culture, probity, and merit.

Even the judicial ermine is draggled through the foul pool of politics, and briefless barristers are elevated to the judicial bench, and debase justice and law by crude decisions, indecorous deportment, and vulgar habits.

Candidates, nominated by chicanery, flatter and cajole the people, and piteously whine for their votes. Pending the election, they become all things to all men, profess the noblest patriotism and purest motives, and prate loudly of their

loyalty, although during the war they neither shouldered a musket nor contributed a farthing to the wounded soldiers.

These sycophants and parasites pretend affection for the black man, whom, forsooth, they would elevate and enfranchise, yet in the self-same breath they vilify and persecute the saffron-hued Chinaman, and, not content to disfranchise the Mongolian, they urge his expulsion from the country, and the erection of a Chinese wall to exclude the Asiatic race from our limits.

The ascendancy of demagogues in public affairs saps the vitality of Republican Government, and the perpetuity of the Union is menaced when bad men are deputed to execute the laws which bad men enact.

In the present crisis it becomes the sacred and imperative duty of every good citizen to extirpate this growing evil, and hence every American should actively participate in the nomination and election of the best men to offices of trust and honor. When unfit candidates are nominated, each voter should have sufficient independence and manliness to oppose their election, disregarding party ties and selfish considerations, and mindful only of the general welfare.

Intriguing politicians and corrupt partisans should be spurned as unclean lepers, and the

rough element of the community should no longer be suffered to dictate our rulers.

Then would return the pristine days of the Republic, when eloquence, dignity, and learning graced the Senate House—when men like the classic Everett were Governors of States, and Marshall and Story adorned the judicial bench.

God grant that the reign of small men and corrupt influences may speedily terminate throughout the land.

With the Union, purified of internal dissension and political corruption, and re-established on the basis of Liberty, Equality, and Fraternity, the imagination struggles in vain to picture the glorious destiny that awaits the American Republic. War's desolation in the South shall be effaced by the bountiful yield of her staple products, augmented by the employment of free labor and the application of mechanical ingenuity to improved modes of culture. Telegraphs and Railroads, potent Colonizers, Missionaries, and Peace-makers, shall traverse the vast expanse of virgin territory, and link together, in perpetual amity and community of interests, widely-separated States. The mineral treasures of the mountains will attract hither foreign capital, give employment to countless multitudes, and supply the world with precious metals. Fertile valleys will teem with

abundant harvests, luxuriant plains and rolling prairies shall pasture innumerable herds of cattle; cities, towns, and villages shall spring into existence, as if summoned by Prospero's wand; American commerce shall whiten every sea and visit every port; Oriental seclusion shall be dissolved, and the teeming population of China and Japan shall cultivate friendly relations with their neighbors, and pour into our coffers the lucrative profits of trade and traffic.

Aerial Navigation may introduce speedier modes of intercommunication than railroads and steamships, and winged Avitors—realizing the fable of Icarus and Daedalus—may soar through the realms of air, bearing precious freights of life and treasure to every quarter of the habitable Globe.

Inventive Genius shall find ample scope for its enterprise, and magnificent rewards for its merits. Education shall be diffused through the masses as universally as light and air.

Music and Painting, Sculpture and Architecture shall be encouraged by the refined taste and generous patronage of the people. Native genius shall establish a National literature, and American Poets and Orators, Historians and Novelists, shall be honored wherever the English language is spoken.

The National boundaries shall expand, and bleak Canada on the North, and convulsive Mexico on the South, shall knock for admission into the happy household. Cuba and Panama, Nicaragua and the Sandwich Islands shall be absorbed in our progressive empire, and myriad emigrants, escaping from the thraldom of tyranny and the shackles of poverty in the old world, shall find asylum, affluence, and security in this land of promise.

The Continental Republic will diffuse a benign influence on mankind, and vindicate the superiority of Democratic Government. Oppressed Nationalities shall be impelled by its beneficent example to rise in their Majesty, discard the yoke of Despotism and Servitude, prostrate Thrones and Dynasties, abolish Aristocratic Distinctions, introduce the Ballot and Popular Education, and acknowledge allegiance to the Will of the People and God alone. The fruition of these Beatitudes, and countless other Blessings, shall crown the American Republic if American citizens be true to themselves, improve their opportunities and advantages, and cherish a fervid spirit of Nationality.

Men of California:—Your lines have fallen in pleasant places. You possess a territory manyfold larger than Greece or Rome; nor were these mighty Empires endowed with a tithe of your

material greatness or resources. The genial climate of this favored land invigorates the body, stimulates the intellect, and develops the human system. The fruits of the Tropics, and the products of the Temperate Zone commingle in your soil; the mountains abound in gold and silver, copper and cinnabar, coal, and other minerals. Capacious Harbors allure Trade and Commerce to your shores; majestic rivers irrigate the broad expanse, and bear on their heaving bosoms the yield of the uplands to the sea; primeval forests are studded with umbrageous trees that tower to an altitude bewildering to the senses, and dwarf to merest twigs the tallest oak or pine of other lands; the crests of the Sierras are crowned with chaplets of snow, yet at their base and on their sides luxuriant vegetation flourishes, and wild flowers exhale a sweet perfume; the picturesque scenery of the Yosemite surpasses in sublimity the mighty Alps; mineral springs, bubbling up from the earth, furnish from nature's laboratory medicated draughts for human ills; the air is vocal with feathered songsters; the streams teem with choicest fish; the woods abound with noble game; prolific vineyards are prodigal of generous wine to please the taste and warm the heart; throughout the year herds of cattle and sheep browse on rich herbage, and supply food and raiment; your citizens are

cosmopolitan in tone, taste, and habits; exempt from local prejudice and angularities of character, full of enterprise, and profuse of hospitality. The magnetic glitter of gold has attracted to the State large-minded men from every section of the Union; from England and France; from Ireland and Germany; from Scotland and Italy; from Switzerland and Spain; while the Orient contributes the Asiatic Race, as hewers of wood and drawers of water, for the convenience, comfort, and prosperity of the inhabitants. Inasmuch as unto you, Californians, much has been given, from you much shall be required.

In peril and disaster a distracted Country appealed to you for succor, and nobly you responded with your men and treasure. Again she invokes your filial affection to bind up her gaping wounds, and invigorate her shattered energies—nor shall she appeal to you in vain.

With Vital Nationality animating the Golden-Hued Daughter of the Pacific, and diffusing a Spirit of Unity, Peace, and Concord among her Elder Sisters of the Atlantic, the American Republic, in the luminous Future, shall become the Focal Center of Liberty, Enlightenment, and Empire.

THE QUESTION BEFORE THE PEOPLE.

What is the Real Issue in the Presidential Campaign?

A SPEECH BY

HENRY GEORGE,

BEFORE THE TILDEN AND HENDRICKS CENTRAL CLUB, AT DASHAWAY HALL, SAN FRANCISCO, ON THE EVENING OF AUGUST 15TH, 1876.

The Meeting being called to order, the HON. THOMAS P. RYAN, President of the Club, came forward and introduced Mr. HENRY GEORGE, who spoke as follows:

FELLOW-CITIZENS: We are coming to another Presidential election under circumstances which ought to give a fresh impulse to patriotic feeling. We have just entered upon a new century of the Republic—the Republic one and indivisible. Over the whole vast territory held by over forty-five millions of people the same flag has been given to the breeze, the same anniversaries kept, the same traditions recalled. The thrill of Lexington, the joy of Bunker Hill, the defiant thunder of Moultrie have again swept through the land, and out again with all the added meaning of a century has rung the announcement of our independence. With eyes so fixed on the old beacons, with faces so turned towards the august shapes that loom through the mists of a hundred years, cold must be the heart that has not felt the prejudices of section and the surviving animosities of civil strife melting in the glow of a patriotism that knows but one common country.

Can we not, should we not, put away from us in this Centennial year all the rancor of party feeling? Can we not, should we not, make this Presidential election in fact, what it is in theory, a great council of the nation, to which we come, not as the adherents of rival factions, but in the temper of men with mutual bonds and common interests, counseling with each other as to what is best for all? For this election means much more than the choice of an Executive. We have not simply to say what man shall govern, but what ideas shall govern; not merely who shall take the helm, but in what direction the Ship of State shall be steered.

Remembering this, the political contest is lifted above the low plane of denunciation and demagogism, and becomes not a contest for spoils in which the people are simply permitted to choose which gang shall plunder them; but a solemn, momentous inquiry, demanding from each voter a conscientious judgment.

Now, however much we may differ on minor questions, it seems to me that the great body of the American people must find common ground on one thing—the desire to restrain political corruption and to reduce the public burdens. It is to this class that I wish to address myself.

If one party avowed itself in favor of reform and the other party avowedly opposed it, the citizen who conscientiously wished to cast his vote for reform would be in no perplexity. But, as is always the case, both parties ask the suffrage of the voter with the name of reform upon their lips. Which shall we believe?

Why accept the declarations of either? You may as well set it down as an axiom that reform, simply as reform and purely for the sake of reform, you will never get from any party. Whenever any set of politicians start a party which has no other avowed object than that of reform, you may safely put them down as

demagogues; for if they are not, be sure that the moment the party has any show of success, the demagogues will be found leading it with louder bawls for reform than anybody else.

The only philosophical way to look for reform is to apply to politics the same common-sense method you would apply to any affair of every-day life. If there is any difference at all between our parties, they must represent different policies of government. If the domain of law extend, as it surely does, to the mental and moral as well as to the physical universe, every evil of which we are conscious must have its antecedent cause. Ascertain what the policies represented by these parties are, trace back to their causes the evils you would have reformed, and then, seeing how the policy of each party would affect the causes of these evils, you can tell which party is most likely to give reform, as certainly as you could tell whether irrigation or drainage would be best for a piece of land which you knew was too wet or too dry.

Parties and Party Principles.

In endeavoring to fix with certainty what these parties of ours mean—that is to say, what diverse policies of government they represent—let me ask your attention if I take a somewhat wide range. Simple as the question may seem, there are many Democrats who do not appear to have the slightest idea of what Democracy really is, while there are many, very many Republicans who know as much for what they are voting as the firemen in the hold of a steamer know which way the vessel is going. Party names are frequently misleading; party platforms are proverbially framed to catch votes; and when we remember that a party line simply divides by two all the various opinions of a great community, we must expect to find on each side of it all sorts of diversities and divergences. In addition to this, we are just now in a peculiar position. A question which for a whole generation has thrust itself with more and more violence into our politics, until it culminated in an appeal to actual force, has been settled. The old issues have gone and party lines have shifted, while many people seem as yet unaware of it.

But, however we may be perplexed, if we take individual opinions or isolated acts as to what is the real difference between the parties, or whether they differ from each other at all, if we extend our survey to a view of them as wholes, we shall be able, clearly enough, to discern their distinctive features. For great parties do not exist by accident. They cannot be gotten up to order, as our friends of the late Independent party have found out. They must represent more than the desire of certain individuals for power, or they could not cohere. They must have certain principles on which, in spite of differences of opinion on other matters, the members generally agree, and on which they generally differ from the other party. In short, they must have a reason for existence, or they would not exist.

Of course, when I speak of the principles of a party, I mean its *distinctive principles*—that in which it differs from its adversary, not that in which it agrees—for it is only as to these differences that parties exist. It is important to notice this, for it is a favorite device of party managers to proclaim themselves champions of principles upon which the people are substantially agreed. Thus, in England, long after the strife between Catholic and Protestant had ceased, you would find a party proclaiming itself the peculiar champion of the Protestant succession, when no one dreamed of attacking the Protestant succession; thus in this country you will find a party proclaiming that its peculiar mission is to preserve the Union, when there does not exist a sane man in all the land who has the slightest idea of attempting to break up the Union.

These feigned issues, or false issues, are the chosen field of the demagogue, who always strives to hide the distinctive features of his party under features which are not distinctive, but generally popular. They are the great source of confusion and delusion to superficial observers, who frequently run away with the idea that a question must be in issue because there is so much fuss made about it, or else come to the conclusion that there is no real difference between parties after all.

But, if we look closely, we will always find that there is an essential difference between parties. The unthinking may be deluded into voting upon dead issues or false issues; but the real struggle of parties is always over the live issue made by the application of their distinctive principles to the affairs of the time.

Now, since the slavery question is settled and out of our politics, what are the questions of the time? Evidently, the general questions of the conduct of government, and the real differences between parties must be as to these.

The Two Great Parties of every Country.

Now, wherever we look, in every country, in every time which shows the first stir of political life, we see two great parties which answer to the sweeping generalization that has divided all mankind politically into adherents of the rival Houses of Have and Want—that is to say, the party of moneyed interests and the party of the poorer classes; the parties of capital and of labor; of aristocracy and democracy; of conservatism and progress; the party which attaches most importance to the strength of the Government, and that which looks most to the freedom of the individual.

As the natural political division is a dual one, so here is the natural line on which the permanent parties in every country inevitably divide. Here are the Right and Left of the French Assembly, the Cavalier and Roundhead of the England of Charles I; the Tory and Whig of the England of George III, the Conservative and Liberal of the England of Victoria.

These parties frequently change and oftentimes exchange their names; they often seem to a certain extent to exchange membership—sometimes coronet and mitre glitter in the democratic van, as when what was quaintly termed "the army of God and Holy Church" wrested from John the Great Charter of Anglo-Saxon Liberties; sometimes, even the Crown itself, as when Kings backed by Commons destroyed feudal privileges; sometimes the aristocratic party finds its strongest bulwark in the prejudices of the common people; sometimes the moneyed power avails itself successfully of the ignorance of the laboring classes. At times these parties seem to superficial observers even to have exchanged characters—the party which is really conservative trying to pull down; the party which is really progressive trying to conserve; yet in any normal condition of things, by whoever looks to essentials, the identity of these two great parties can always be traced.

"Sir," said Dr. Johnson, "I perceive from your childish jealousy of the power of the Crown, that you are a vile Whig. The Crown has not power enough."

"Sir," the sturdy Briton would say, were he an American of to-day—"Sir, I perceive from your childish jealousy of the interference of the Federal Government that you are a vile Democrat. It is the pernicious doctrine of States' Rights, not the power of the General Government, that the country has to fear."

The Two Permanent American Parties

Immediately upon the acknowledgment of our independence, these two natural political divisions showed themselves in the United States as the Federal and anti-Federal parties, the one anxious that the new Government should be a strong one, the other looking with suspicion upon all concentration of power. Out of their clash and through their compromises grew that wondrous instrument, the Constitution of the United States—itself the most striking proof of how the early Republic called her best brain into her service; an instrument which, when we consider its beautiful adaptations, so strong yet so elastic, so compact yet all-embracing, so nicely poised, so well guarded, seems, looking at the times and the lack of previous experience, like the highest act of constructive statesmanship.

The Constitution adopted, we find these two parties fighting over its interpretation—the party of strong government and aristocratic tendencies struggling to gain, by strained constructions, what had been lost in the debates of the Convention, and the party of individual rights and democratic tendencies struggling for strict construction and the restriction of government to necessary functions. Over funding system and national bank, internal improvements and tariff, and countless minor questions, under varying names but with clearly drawn lines, they waged the battle, until the conflict over slavery, culminating in civil war, sunk in momentous issue the questions of normal times.

The war ended, the slavery question settled, thank God! forever, what parties do we find arise? What but those that any political philosopher might have predicted would arise? They are the two old parties—the two natural parties—which stand fronting each other, again to struggle for the power of shaping the destinies of the Republic!

Be not deceived by the clamor upon false issues; be not confused by finding in the two parties individual opinions or acts that seem very much alike. Look below the froth of the surface and the eddies of the border for the real direction of the opposing tides. Search underneath the words of platforms for their real meaning; consider what are the principles upon which each proposes to conduct the govern-

ment, and what is the real difference? You will find one party endeavoring to extend the power and functions of the General Government, the other supporting the rights of the States; one enacting and maintaining a tariff for protection, the other advocating a tariff for revenue; one party which has the support of nearly all the corporations and great moneyed interests of the country, the other naturally distrusted by them. The more carefully you look, the more clearly will you see that the distinctive features of the two parties which must divide the suffrages of the American people in this election are the distinctive features of the two old historic parties—that they are, in fact, the same parties.

The Two Great American Party Leaders.

The two great men who were the first leaders of American parties may justly be considered their best exponents; and if a great party can be personified by a man, Alexander Hamilton and Thomas Jefferson may stand forth to all time as the personification of the conflicting ideas expressed in our two permanent parties. The one—pure in character, patriotic in purpose and with mental abilities which must excite the admiration even of those who differ most from his political philosophy—looked back over the history of the world and saw every attempt at self-government end in anarchy or despotism. With profound convictions of the inability of the people to govern themselves, he regarded the British Constitution, as it then existed, as the best expression of human wisdom, and to that model he aimed to conform our polity. Looking for means to forced interpretations of the Constitution, he sought to build up a strong Central Government, which, by the manifold nature of its functions, the elaborateness of its administration, the number of its employes and the amount of its revenues and expenditures, should dwarf the relative importance of the States, and become, not a mere creature for specific ends, but a power in the land. By means of national banks, a national debt and funding system, a network of internal improvements and a scheme of protective duties, bounties and subsidies, he strove to intertwine the interests of capital with the government, and thus build up the counterpoise to democracy which he believed necessary, and which was supplied in the English system by an hereditary executive, a landed aristocracy, an Established Church, the rotten boroughs and a vast debt.

The other great statesman, whose pen traced our Declaration of Independence, looked with fervent faith upon the possibilities of the future. The failure of all previous attempts at self-government he traced to a lack of democracy, not to an overplus of it, and above all things he dreaded the insidious inroads of the aristocratic principle. He desired to localize government as much as possible, that it might be kept close to the people and within their control, to reduce the powers and functions and revenues and expenses of the General Government to the minimum which would enable it to perform its necessary functions, and to keep the money power out of politics by leaving everything regarding the investment of capital and the development of industry to the voluntary principle.

These two conflicting ideas can be traced broadly and clearly in the principles and actions of the two great parties all through our political history: The one the party of centralized government, of an elaborate administration, of a protective tariff, of national banks and favored corporations—the party of the money power. The other, the party of States Rights and strict construction, of simple government and free trade—the party of the people.

The Genealogy of our Parties.

The genealogy is clear. The anti-Federal party became first the Republican and then the Democratic party. The Federal party became the Whig party and then disappeared from sight to re-appear as the Republican party. I do not mean to say that this was the original aim of the Republican party. On the contrary, its very name was chosen to typify the revival in it of the democracy of Jefferson, and, called into existence by the growing agitation of the slavery question, it drew from both parties without respect to what may be called the normal issues. But the Democratic party, maintaining its organization while that of the Whig party had been abandoned, it became an easy matter to impress the Whig economic policy upon the new party while the popular attention was fixed on the struggle, and the moneyed interests and protected classes having once secured the organization, have kept it.

In spite of the change in names, in circumstances, and in battle-cries, were those intellectual giants of our early prime to arise from their graves to-night, can you doubt that they would know their own ?—that Alexander Hamilton would take his

stand with the party bearing the name of that which he used to oppose; and that Thomas Jefferson, though in his lifetime he called himself a Republican, would find his place in the ranks of the Democracy ?

It is not with an irrelevant purpose that I have thus sought to fix the character and trace the genealogy of the parties contending in this campaign for the possession of the Government. I wish to show clearly that the real issue between them is not upon any question growing out of the war, and has nothing to do with Unionism or Secession. When we see that these parties are not things of to-day, but have existed since the beginning of our republic ; when we see that under changing names and varying circumstances they have always exhibited the same general character, we see that their real differences are permanent ones ; that they represent two diverse policies of government, between which, whether wittingly or unwittingly, each voter in this election must choose.

And now that we have seen what these two parties are, and what is the policy each represents, let us turn to the evils we would have reformed.

Corruption and its Causes.

It is not necessary for me to attempt to paint the state of political corruption to which we have been reduced.

We all see it; we all feel it. It is the dark background to our national rejoicing, the skeleton which has stood by us at the feast. Our Fourth of July orators do not proclaim it; our newspapers do not announce it; we hardly whisper it to one another, but we all know, for we all feel, that beneath all our Centennial rejoicing there exists in the public mind to-day a greater doubt of the success of republican institutions than has existed before within the memory of our oldest man. And not without reason. Before the storm the stout tree may bend yet not break. The howling winds may tear from it branch after branch; the lightning of heaven may rive it in twain, yet if it be strong of heart and sound of root it shall send up new shoots to hail the sun again in greener glory. But when the worms attack it, when a black mass of rottenness is eating out its heart and slimy things are cutting through its roots, though the air be soft and the winds be hushed, though to the outward eye everything proclaims the strength and majesty of the monarch of the forest, we know the tree is doomed !

We are told that these evils are the natural results of the war. But I deny that they are in any sense the results of the war, except as the war has been used as a cover under which to rivet a false policy on the country while keeping the people still voting on war issues. Did the Mexican war bear any such fruit? Did the war of 1812 ? The close of the Revolution left the nation in a far worse condition than the close of the Civil War—with resources more severely strained, with credit more impaired; with currency more disordered, and with a government yet to create instead of a government which had come intact through the severest ordeal. Yet, did any such corruptions as those which now disgrace us mark the period following the Revolution?

That war is in many ways demoralizing, is true. But war waged for a high idea does not transmute patriotism into jobbery, statesmanship into demagogism, virtue into corruption. On the contrary, it calls forth the highest traits of character. Who does not feel that his faith in the patriotism, in the spirit, in the endurance and devotion of the American people is stronger for what in the war they showed themselves capable of doing and suffering ? What grander spectacle has history ever presented than that afforded by the uprising of the nation when the first shot which tore the flag showed there was real danger that the Union might be rent in two ? "They fight but for an idea," our foreign critics said. Yet for that idea men marched to death by hundreds of thousands; the greatest exactions, the heaviest burdens, were uncomplainingly borne; wealth was poured out as though it were water, and poverty stinted itself to send some little comfort to the boys in the field, or provide some little luxury for the wounded in the hospital. Has the war made our patriotism cold; our love of country less ? Has it dampened our faith in the American people ? Ah; we know now, if we never knew before, that it is not idle pageantry that makes our cities bloom with flags as in the anniversary we have just kept. Bunting and calico typify something as real as the breeze that shakes their folds. For the idea which that flag expresses every stripe has been wet with blood; for the love of it every star has been dimmed with tears!

And, gentlemen, if it is not yet here, the time will come, when our children will look back with mournful pride, not only to the devotion which maintained the Union, but to the fortitude with which the Southern cause was sustained—when in the glories

of a common blood will be included the splendid courage of the South, as well as the heroic determination of the North, as we include in our heritage of pride the fiery charge of Rupert's Cavaliers with the immovable steadfastness of Roundhead pikes—as we recognize in the dogged bravery with which in the face of the hail of death that line of scarlet and steel moved up the slope of Bunker Hill the same high spirit that from the slender earthworks on the crest hurled it back!

Many things the war may teach us, but not to distrust the manly qualities of our people. Many are the lessons which we may read in its million graves, but not the lesson that the virtues of our blood have run out. The high qualities which the blending of Celt and Saxon, Norman and Dane, gave to a breed of men that have yet to know defeat except from their own blood; the high qualities which have made our race the standard bearer of human liberty; the high qualities which are making the language of one little island the universal tongue of the modern world, are as strong, as steadfast as ever!

The object of telling you that these things are due to the war is to induce you to quietly rest in the belief that they will remedy themselves in time. But if this were the case, these evils would be growing less and less apparent. On the contrary, during the eleven years that have elapsed since the war, has not corruption been growing more and more flagrant, the complaints of labor louder and louder?

No; it is not the war that is responsible for all this. It is the policy upon which the Government has been administered. Our public service is corrupt because the natural result of our laws has been to engender corruption; our industry is oppressed because our laws have prevented its natural development; the masses are becoming poorer and the few richer, because the whole tendency of our system of finance and taxation is to make $100,000 more profitable in the hands of one man than in the hands of a hundred. These results are not accidents; they are not surprises. They are the legitimate workings of natural laws—of laws as fixed and far-reaching as that which drives this earth in its orbit round the sun.

If we were to take particular by particular the manifestations of corruption and industrial depression, and trace them up from effect to cause, we would find ultimately the source of all of which we complain in the policy upon which our government has been administered; but inasmuch as we shall get a quicker and more comprehensive view, let me substitute the deductive for the inductive form of inquiry, and trace that policy downward, from generals to particulars—from cause to effect.

If we analyze this policy we will find it the same as that which I ascribed to the Hamiltonian party. A strong and centralized government, the use of the power of taxation to foster special interests and forms of industry, the engaging by the General Government in a system of internal improvements, and the creation and providing for of great corporations.

How Centralization Fosters Corruption.

Now, a strong government means an expensive government. It means a large army and navy; heavier taxes, more officers, more contractors, more stipendiaries of various kinds—that is to say, an increase in the class interested in heavy expenditures; an increase in the trading capital which can be used to effect nominations and carry elections, and, by thus giving to those who will use such agencies an advantage over those who will not, a constant tendency to supplant statesmen by corrupt manipulators, and to make our representatives the representatives of special interests and not of the people.

Now, what does centralization mean? It means the removal of power further from the people, the weakening of the responsibility which the representative feels towards his constituents, the distraction of public attention, the lessening of the power of public opinion. Centralization is the great enemy of republican government; where it passes a certain point republicanism becomes impossible. The reason why our fathers were able so easily to establish a republican form of government is, that they were used to local self-government; the reason why a republic, except in name, is impossible in France, is, that her people are used to a centralized administration. See how centralization ties our hands in this Chinese matter, compelling us like the people of a subject province, to sue a power three thousand miles away, to protect us from an evil from which we ought to be able to protect ourselves!

But there is an obvious instance of how centralization can debauch and corrupt. The carpet-baggers in the Southern States, maintained in power against the will of the people of those States by the central authority at Washington, and feeling no re-

sponsibility except to that power, to which they refer their quarrels as a Roman Proconsul in a distant province would have referred to the Emperor, have not only made the local governments in those States the most profligate ever known on this continent, but have sent to Congress characterless adventurers, owing no responsibility, to make laws for the North as well as the South—to vote taxes on you and me at the bidding of any one who would bribe them. Better far, for our own sakes at least, had we denied to the South all representation than to have introduced into Congress this utterly irresponsible, this corrupt and corrupting element.

How "Protective" Taxes Foster Corruption.

So much for what we may call the political side of this policy. Let us now look at the economic side. Under this policy the raising of revenue is considered as only one, and that the least important, of the ends of taxation. The other and most important end is the enhancement of the profits of certain sets of capitalists, or, as the system is called by its advocates, with a most sublime reliance upon the stupidity of the American working classes, the "protection of American industry." This profligate, impoverishing and destructive system was exploded by Adam Smith one hundred years ago, and has been condemned by the American people whenever the question was fairly submitted to them; and except to point out its results as pertinent to the question we are considering, I shall have nothing to say of it further than, if it be correct, then every new invention which facilitates communication or diminishes its cost is a public calamity, and that instead of a line of Custom Houses on our seaboard we should be infinitely richer and more prosperous were each State an independent nation with a line of Custom Houses around its own border.

But how this policy has worked to corrupt the Government it is easy to see:

Of the thousands of articles upon which we levy import duties, there is hardly a single one upon which the tax has not been imposed with more or less reference to the enhancement of private interests. All the manufacturers, importers and dealers in these articles have thus had a constant direct moneyed interest in influencing the action of Congress; for there has not been a session since 1860, when the Morrill tariff was adopted, in which there has not been more or less tinkering or attempted tinkering with the tariff; and there will not be, so long as this Protective system shall last. The agents of these interests have filled, and still fill, the lobbies of Congress, where their money has gone by the million to bribe and debauch, to say nothing of the contributions they have made to pack Conventions and carry elections. But this is only one side of it. While the enactment and maintenance of these taxes has engendered corruption, once imposed they have become a constant incentive to corruption of another set of officials. The high taxes thus imposed by corruption have offered such enormous premiums for evasion that all the horde of revenue officers, all the spies and informers, and seizures and moieties, have not been able to prevent it. While on the one hand officers of the Government have been habitually corrupted to impose taxes, on the other hand officers of the Government have been habitually corrupted to wink at their evasion. While the Iron and Steel Association, and the Eastern wool and cotton manufacturers, and the Ohio salt men and all the countless combinations for the imposition and maintenance of taxes upon the American people keep their agents at Washington to sustain the tariff, the largest firms in the country are engaged in smuggling, by the bribery of the Custom House officers and the making of false oaths. All this not only corrupts the Government through all its branches (for corruption spreads like contagious disease), but it directly corrupts the people themselves. The honest are driven out of business, while the unscrupulous wax rich.

So with internal taxes. It is not only a matter of reason, but experience, that such a tax as we levy upon whisky cannot be collected, and that a smaller tax would yield a greater revenue; yet this tax is kept up at the instigation of the whisky rings, who find in it a prohibition to every honest distiller. The tax is levied on the people, but, instead of passing into the treasury, millions are diverted into the hands of corrupt combinations to enrich law-breakers, to suborn witnesses, to corrupt public officers, to maintain venal newspapers, to pack conventions, and buy votes at the polls. The people are taxed to pay the expenses of corrupting those who are intrusted with making the laws and those who are intrusted with enforcing them.

How Favored Corporations Foster Corruption.

It is hardly necessary for me to more than allude to the part, in producing the present reign of corruption, which the policy towards corporations, upon which the

Government, as now administered by the Republican party, has had. Look at the National Banks. Used as we have been to banks which confined themselves to legitimate banking functions, it is unnecessary to tell any Californian that for the existence of these institutions, as banks of issue, there is not the slightest use or excuse. Yet, see them lending the Government three hundred millions at a high rate of interest and borrowing back two hundred and seventy millions without interest at all. Is it strange that they should have money to spend in politics, and that, with their enormous capital and power over business, they should be largely represented in Congress?

Look at the railroad companies, for whom the Government has been made a special Providence, and the lands of the people and the taxes gathered from the people an endowment fund. See these companies sending their attorneys to sit in Congress in the name of the people. See them using the spoil of the Credit Mobilier and Contract and Finance Company to corrupt whoever is capable of corruption and to keep out of office whoever is not. See them in your State politics: buying legislators like sheep, debauching parties, and even interfering in county elections. Look at the Pacific Mail Steamship Company spending a million to buy from Congress a grant of half a million dollars a year of the people's money, and contributing $25,000 as its quota towards carrying the single State of California for the Republican ticket. These things are not accidents; they are the natural, the inevitable results of admitting the principle that Government may, for any purpose, or on any pretense, enrich corporations at the public expense. The corruption which we have seen follows the admission of this principle, as thunder follows lightning or heat results from fire.

And, now, putting all these things together, and remembering how corruption engenders corruption, how the vast extension of the sphere and objects of government which this policy implies gives temptation and opportunity to corruption, and how the constant tendency of the introduction of moneyed influences into politics is, to keep the best talent and the highest character out of the public service and to put in the mediocre and the dishonest, have I not sufficiently accounted for the reign of corruption of which you all see the indications?

The Causes of Business Stagnation and Industrial Depression.

And as corruption springs directly and necessarily from the policy upon which the Government has been administered, so does the business stagnation and the industrial depression of which complaints have become chronic. Governments have no purse of Fortunatus in which to dip. There is but one source from which all the expenses of this costly and elaborate government can be defrayed; there is but one fund from which can be drawn the spoils of corruption, the plunder of rings, the gains which make corporations more powerful than the State. Every cent that is spent, every cent that is wasted, every cent that is stolen, comes from the earnings of the people. To provide for this extravagance, to supply for this waste, to build up these great fortunes, the farmer rises early and works late; the miner delves thousands of feet underground; young girls and tender children stand all day in the whirr and clash of the factory looms; the mechanic denies himself a holiday; the laborer's family are pent up in the squalor of a tenement house. Yes; and prostitutes walk the streets, and children grow up ignorant and debased, and brain and muscle that ought to go to the enrichment of society are turned to prey upon it!

The Federal tax-gatherer is everywhere. In each exchange by which labor is converted into commodities, there he is standing between buyer and seller to take his toll. Whether it be a match or a locomotive, a dishcloth or a dress, a new book or a glass of beer, the tax-gatherer steps in. He says to Labor as the day's toil begins: "Ah! you want to do a little work for yourself and family. Well, first work an hour to pay the interest on the national debt and defray the necessary expenses of government; and then another hour for the national banks and subsidized corporations, and the expenses of governing the Southern States! Then an hour for the army and the navy and the contractors thereof; then an hour for the manufacturers of New England, and an hour for the iron millionaires of Pennsylvania; half an hour for the Marine Corps and the various comfortable little bureaus; and then, after you have done a little work for your State government and a little work for your county and municipal government, and a little work for your landlord—then you can have the rest of the day to work for yourself and family.

Do I exaggerate? Well, gentlemen, go home; consult with your wives; figure up as closely as you can your average daily purchases of all sorts; ascertain as nearly

as you can how much the cost of each article is enhanced by the tax upon it, and by the profit which each dealer through whose hands it passes must make on the tax, and then you will be able to see how much I exaggerate!

How the Policy of our Government Shackles Labor.

This policy upon which our Government is administered—this protective and fostering policy which uses the taxes levied upon the people as a means to enrich favored capitalists and build up monopolies—is like a great ravening beast, let loose into a grain field. It is not so much what it eats as what it tramples down and destroys. The ligatures which it has wound around every limb of the industrial body have impeded the circulation that is essential to health. Instead of the constant action and reaction which maintain the healthy equilibrium and harmonious working of all the parts, we have fever here and atrophy there. Why is it that hundreds of thousands of men stand idle in all the great centres of industry; that all branches of business complain; that mills run on half time or are closed for months in the year; that every great city on the other side of the mountains has to set up its soup-houses in winter, to deal out in degrading and demoralizing charity the means of sustenance for which the recipients would gladly work?

The favored interests for whose ostensible benefit this restrictive system is maintained, and the short-sighted fools who are their dupes, talk about over-production. How can there be over-production when everybody wants something which some one else would be glad to make? These hundreds of thousands of unemployed men include all trades and avocations. They all suffer for the things which the labor of the others could give them; they are all anxious in return for those things to exchange their own labor. Over-production! Why, gentlemen, is there too much coal when people shiver in winter? too much clothing when people go threadbare? too many shoes when people go barefoot? too many houses when people are crowded together like pigs in a sty? too much food when people starve? It is not over-production; it is, that the oppressive burdens laid on industry by government have so shackled and enervated it that it cannot make the exchanges which, under the modern system of a minute division of labor, are necessary to keep labor employed.

Thanks to the fact that we are engaged in skimming the cream off of what is probably the richest country, all things considered, the world ever saw, and to the further fact that we are so situated as to have escaped the protective effect of the tariff, we of California have not felt the effects of this Government policy so much as our brothers of the older States; but there is one way in which we may see how American industry has been crushed by bad laws. Cross to Oakland on Sunday when the vessels in port have their ensigns set, and see from every three out of four of the deep-water vessels in our bay the British flag flying. Here in this bay, which used to be crowded with the graceful forms of American ships, an American ship is almost a rarity. Sixteen years ago American ships were more common in Melbourne and Calcutta, in Shanghae and Rio, ay, even in the Liverpool docks, than they are to-day in this American bay. Talk about the *Alabama* and *Shenandoah* having produced this result! Why, you might as well talk about the *Gaspee* and *Shannon*, the Orders in Council or the French Spoliation. Ever since the war, our ship-builders and ship-owners have been begging for a release from Protective taxation, that they might once more build ships and sail them, not alone for our own carrying trade, but for that of the world. But Congress has persistently refused. The "Protective" policy must be carried out if it sweeps, as it surely will, the American flag off the high seas, except when carried by a subsidized vessel.

It is not worth while to talk about the currency question. Sometime or other I would like to show you how through this juggle of currency the people have been fleeced. But for us to be now quarrelling over the currency would be like starving men consuming their time in quarrelling over the kind of dishes in which they would eat their food when they got it, without taking any means to get food. One homely illustration will suffice. The other day the Government advertised that it would resume specie payment in San Francisco to the extent of exchanging $50,000 in silver for $50,000 in greenbacks. Our richest money lender hired a lot of fellows to stand before the door of the Sub-Treasury all night. The net result was that he made the difference—that he, this man, who without chick or child is rich enough to buy out a good sized town—is so much the richer, and that we are so much the poorer. For when a man gets richer without creating wealth, somebody must be getting poorer. Now, fellow-citizens, this is but a sample of the whole financial policy which has been pursued since the war—its whole aim and end has been to

make the rich richer and the poor poorer; and so long as the Government is run in the interest of the money power, this will be the case. The first step to financial reform is to wrest control from that power.

The Fault one of Policy not of Men.

Now, fellow-citizens, this is the policy upon which our Government has been and is being conducted. Is it any wonder that it has produced corruption and impoverishment? What could it produce, what can it produce, but corruption and impoverishment? So long as smoke ascends, as water runs down hill, so long as it remains true that the whole is equal to the sum of all its parts, such a policy must produce such results. Do men expect grapes of thorns, or figs of thistles? Why, then, under a governmental policy which offers every temptation to dishonesty, and holds out every reward to corruption, should we hear this prating about men, as though the accident of who held the offices was the cause of the disease. Fellow-citizens, I have not time to defend President Grant, but he needs defense from his own professed friends, who, after endorsing him in their platform, are now, like the high priests of old, laying their hands upon him and sending him out into the wilderness, a scapegoat for all the sins of the party.

Grant has enough sins to answer for; but to hold *him* responsible for all this corruption would be about as sensible as to hold him responsible for the war. It is the system, not the man. It is the policy upon which the Government has been administered, not the individuals in whose hands the administration has been carried on.

And the question presented to you in this election is simply this: Shall this policy be continued or shall it be reversed? That is *the* issue. Whatever else is talked about is merely the prating of people too blind to see what is really involved in this election, or the clap-trap of demagogues to draw your attention from the main point. On the one side stands the Republican party representing the policy that has corrupted politics and fettered industry; on the other side stands the Democratic party, representing a policy that would tend to reduce temptations to corruption and make industry free.

Now, fellow-citizens, your vote at this election must be a choice between these two policies of government. As one of the great jury on whose verdict hangs the future of the country, this question is put to each one of you. You cannot evade it; you cannot qualify it; your answer must be either this or that.

The Appeal to Prejudice.

But you will be told that in voting the Democratic ticket you will be voting with ex-Rebels! Well, what of it? Would you hesitate to trade with ex-Rebels? Would you hesitate to profess a religious creed to which your conscience impelled you because ex-Rebels also professed it? If our common country were invaded by hostile armies and our coasts menaced with hostile fleets, would you hesitate to take up arms in her defence because ex-Rebels would also be found in the ranks? Why, then, when you find being rivetted on the country a policy which is debauching government and people, throttling industry and pauperizing labor, should you hesitate to vote against it because ex-Rebels will also vote against it? Must you submit to be taxed as you are taxed, from the fear that if you vote to abolish these taxes you will vote with ex-Rebels?

You are told that the Democratic party cannot be trusted. Fellow-citizens, pause a moment and see what this involves. If it be true, it is a confession of the absolute failure of republican government, and the organs of the aristocratic party in England are right when they point to us and say that we must be content to see our government sink from low to lower depths of corruption, absolutely powerless to prevent it. What effect would it have upon a dishonest cashier to know that, no matter how much he stole, his employer was afraid to discharge him? And what effect would such an avowal have upon the employer's fortunes?

Fellow-citizens, unlike the men who address such arguments to you, I give you credit for ordinary intelligence. It is not necessary, then, for me to tell you that party lines are not drawn on moral character, and that it as ridiculous to say that all the honesty is in one party and all the dishonesty in the other, as to say that all Presbyterians shave their chins or that all Methodists wear red flannel underclothes. Nor is it, I think, necessary for me to tell you that while all parties contain honorable men and unscrupulous men, the constant tendency of the working of party machinery is

to give to the unscrupulous the party management—a tendency only restrained by the necessity of getting popular support at the polls. As competition between sellers keeps down prices to a fair profit, so does the competition between parties keep out of office flagrant dishonesty. To say that the Democratic party, if it got power, would assume the Rebel debt, permit the negroes to be abused or cut off the pensions of Union soldiers, is to say that the Democrats, the moment they got power, would be so disgusted with it that they would take the surest means to put their opponents in at the next election. To say that the Republican party, no matter what it does, must be continued in power from fear of the Democrats, is to give notice to the rogues in the Republican party that they may steal as much as they can and put in office whom they please.

But, fellow-citizens, I almost feel as if I were degrading myself and insulting your intelligence by stopping to reply to such arguments. They are on a par with the stories which the Chinese literati tell the common people about the missionaries being anxious to get children into the Mission schools in order to get their eyes and livers to make charms; on a par with the stories which the slave-owners at the beginning of the war used to tell the negroes, that the Federals wanted to get possession of them to sell them in Cuba. The Chinamen sometimes believed these stories, but the darkies did not; and I think it only fair that the average voter should be credited with as much intelligence as that veracious gentleman, the Intelligent Contraband of the war. The best reply I have heard to such cant is that made by a brave Union soldier to one who was urging him to help elect the Republican ticket on the ground that the Democrats could not be trusted. Said he: "I feel about it a good deal like John Randolph, who once at a hotel called a waiter, and, pointing to his cup, said, 'If that is tea, bring me coffee; if that is coffee, bring me tea.' For my part, if it is loyalty that we have been having under this Administration, I want a little something else!"

A Question for Republicans.

Fellow-citizens who still call yourselves Republicans, as one who contributed all he could to the first successes of that party and steadily voted with it until the slavery question and the war were finally settled, let me ask you to put the inquiry to yourselves, "What are you voting for, now?" Are you so attached to a name, are you such slaves of a magic word, that when the whisky rings, the fattened corporations, the protected manufacturers, the thieving contractors, the cormorants who rob your living soldiers of their paltry pay, the ghouls who traffic in the headstones of your dead heroes, seize the old banner and shout the old war-cry, you must rally to their defense? Was it your object in joining the Republican party to rivet a policy on the country by means of which the classes who grew rich during the sacrifices and slaughter of the war should grow richer after the peace?

Did you bargain for such work as this when you joined the Republican party? I think not. If you became Republicans, as I was a Republican, it was from the hatred of human slavery. Fellow-citizens, negro slavery is dead! But cast your eyes over the North to-day and see a worse than negro slavery taking root under the pressure of the policy you are asked as Republicans to support by your votes. See seventy thousand men out of work in the Pennsylvania coal fields; fifty thousand laborers asking for bread in the city of New York; the alms-houses of Massachusetts crowded to repletion in the Summer time; unemployed men roving over the West in great bands, stealing what they cannot earn. See in the sultry Eastern Summer little children gasping for breath in the squalor of the tenement houses; see in the bitter Eastern Winter, barefooted girls and boys dodging the liveried equipages of wealth on the frozen pavement in the effort to earn a penny. See when the lamps are lighted, and before the millionaire's door the costly carpet is spread, that dainty satin slippers may not touch the pave as they alight from silk-lined carriages—see the long procession of prostitutes that steal out to walk the streets—many of them girls of education and refinement, many of them girls whose fathers lie in forgotten graves on Southern battle fields, a sacrifice for the perpetuity of this Union! Read the cold matter-of-fact reports of the Massachusetts Bureau of Labor Statistics, and see how a generation is growing up there condemned to the hopeless slavery of the mill; how in New England—New England of the free school, the meeting-house, the printing press—New England that wept, and gave, and voted, and fought for her

brother of the black skin—all the horrors of child factory labor are being enacted. Ah, gentlemen, sadder than any cry that ever came from the cotton-field or cane-brake, is the low moan of the children:

They are weary ere they run ;
They have never seen the sunshine nor the glory
Which is brighter than the sun.
They know the grief of man, without his wisdom,
They sink in man's despair without its calm ;
Are slaves without the liberties of Christdom,
Are martyrs, by the pang without the palm!
* * * * *

They look up with their pale and sunken faces,
And their look is dread to see,
For they mind you of their angels in high places,
With eyes turned on Deity !
' How long," they say, " how long, O, cruel nation,
Will you stand to move the world on a child's heart—
Stifle down with mailed heel its palpitation,
And tread onward to your throne amid the mart ?"
Their blood splashes upward, O, gold-heaper,
And your purple shows your path !
But the child's sob in the silence curses deeper
Than the strong man in his wrath !

Ah, gentlemen, that I had the sympathetic eloquence of Sheridan, the logic red-hot with passion that flowed from the lips of Burke! If I could paint these things so that you would see and feel them—for your country's sake, for your children's sake, for your own soul's sake, you would not dare vote to perpetuate a policy from which flow such evils !

Men and Reform.

Fellow-citizens, whatever your previous affiliations may have been, if you would vote for reform, you must vote with the party whose policy is calculated to work reform. I care not what Mr. Hayes' wishes or intentions may be. The moment he takes office he will be surrounded by every corrupt element already intrenched in power. Personally, he may be as pure as the snow; but will that avail? Can he turn his back on the men and the influences that took him from comparative obscurity and set him on the dazzling heights of the chieftainship of forty-five millions of people ? Can he disregard all the claims of service, all the obligations of gratitude, and cut and carve and slash among his own political and personal friends? Fellow-citizens, if you think so, you have but the faintest appreciation of the real difficulties of reform, or you must imagine that the Republican wire-pullers have, under the name of Rutherford B. Hayes, nominated the Archangel Gabriel, and not a man born of woman. But even admitting that Mr. Hayes is possessed of all the genius of Cæsar, and all the self-sacrificing virtues of the elder Cato, what of real reform can any man or set of men effect so long as the source of corruption is untouched—so long as the policy which produces corruption is maintained?

I do not wish to say much about men, but there is one point I want to make, for it involves a principle.

That the Republican candidate is a fair representative of the intelligence and patriotism of his party I do not doubt; but neither will it be denied that the sole reason why he and not any one of five hundred other gentlemen is to-day the candidate of the party, is due to his negative rather than his positive qualities. The only lesson which can be derived from the elevation of this particular man to the Presidency is that the lightning of Nominating Conventions sometimes strikes where it seems least likely to.

On the other hand, the nomination of Tilden was forced on the Democratic Convention by the fact that he had identified his name with reform. His election will be a declaration to every aspiring man that the road to the highest honor is to battle with corruption and destroy abuses.

Fellow-citizens, if you really want reform you must pay the price for it. And that price is that you honor and reward reformers. Against the gold of the public plunderers, against their power of making combinations, you must set the certainty that, by your votes, you will support and reward whoever, resisting their wiles, sets himself against them.

Now, fellow-citizens, by the candidacy of these two men the question is fairly presented to you, "Do you really want reformers in office ?" The Republican party managers thought you did not, and, ignoring gentlemen who, in the Republican party, represented that idea, they nominated Hayes. The Democratic party managers

thought you did, and they have nominated the man, of all they had to choose from, who had, as a reformer, achieved most distinction. It is for you to say who was right.

The election of Tilden will say to all future political conventions that the strongest man they can put up is the man most identified with reform.

The election of Hayes will say that a record as a reformer is no element of strength. And when the corrupt element in the Republican party or the corrupt element in the Democratic party again make a fight against a man who has shown himself disposed to stop their stealing, they will point to this election to prove that reform gets no votes, and that the reformer may be safely shoved out of the way, since any one of whom the people never heard in the character of a reformer is as available as he.

Fellow-citizens who want reform, are you so ignorant of the workings of politics, so ignorant of human nature, as to suppose that, under such circumstances, you will be likely in future to get any reformers to vote for?

What may be Hoped from a Democratic Success.

Now, I do not mean to tell you that the mere success of the Democratic party at this election will at once sweep away all corruption and re-establish prosperity. It would be childish to expect that. When we find that we have been traveling the wrong road, the resolve to retrace our steps is only the beginning of a slow and painful return, the more slow and painful if our road has been down hill. But this a Democratic success will mean—a stoppage of the nation in its career towards demoralization, the beginning of reform. To expect absolute wisdom, perfect purity from the Democratic party, would be as hopeless as to expect it from any other party. Corruption is a moral disease, just as small-pox or the cholera are physical diseases; and when it becomes generally disseminated in a community, to expect it to show itself in one party and spare another, would be as rational as to expect the cholera to seize only Unitarians, or the small-pox to attack none but Catholics.

This much we may, in the event of a Democratic success, certainly expect: The abandonment of that source of corruption, demoralization and impoverishment, the Protective system, a large reduction of taxation and expenditures, a considerable simplification of government, and the divorce, to a very great extent, of private special interests from public affairs.

Only a beginning, perhaps; but still a beginning which leads to further steps. For just in proportion as you take out of politics the money influence, do you make it possible for the best brain and conscience to step to the front, instead of the purchasing and purchasable element. Just as you reduce the number of officials do you bring them under the eye of the people; just as you simplify the functions of government do you enable the popular judgment to make itself felt in public affairs.

And although I consider men as of infinitely less concern than principles, the character of the men whom the Democratic party present at this election cannot but be regarded as the best earnest and happiest augury of what it will do, if intrusted with power.

Samuel J. Tilden is a Democrat worthy to be presented for the suffrages of all who hold to the ideas of Jefferson. Growing up in the last generation, when our polity—its scope and its limitations, its strength and its weaknesses—were far more profoundly and generally studied than they have been amid the distractions of sectional strife which have beset this generation, he was nurtured in the Democracy of Jackson, and even in his youth was a man of mark in that school of patriotic and thoughtful politicians who safely steered our republicanism through so many of its earlier dangers.

That he has the brains to apply Democratic principles to the government of the Republic, more in need of them than ever before, we know. That he has the will, his fighting of corruption in his own State and own party shows.

Should he be elected, I believe that posterity will not blush to recognize his name in the line with our earlier Presidents, and that his inauguration will mark another political epoch like that marked by what was long known as the Civil Revolution of 1800, when, under the lead of Thomas Jefferson, the Democratic spirit of the American people overthrew in its first insidious advances the same policy which is now making the corruption of our Government a by-word among the nations and impoverishing the many to place colossal fortunes in the hands of a few.

The Premonitions of Decay.

Surely there are enough indications to him who will heed them that this work of reform cannot be long delayed. Stand still we cannot, for nothing in the universe stands still. Either we must begin to retrace our steps or we must go from bad to worse. Every step downward will lessen the power and increase the difficulty of return. Toleration of corruption means not merely the intrenchment of corruption, but the enervation of public conscience; the obliteration in the public mind of the distinction between right and wrong. The impoverishment of labor means the destruction of that personal independence of the people in which alone the foundations of popular government can rest with safety. The aggregation of capital means the creation of an aristocracy all the more dangerous because untitled, and all the more unscrupulous because not hereditary. It is an ominous thing that we have begun to look without surprise upon notoriously corrupt men clothed with the honors and wielding the power of high office. It is an ominous thing that upon the very buildings designed to commemorate the first Centennial of a nation whose chiefest glory it was that every boot-black could have a turkey in his pot, thousands of men should be anxious to get work at seventy-five cents a day, and that in a depreciated currency. It is an ominous thing that in this Centennial year, States that a century ago were covered by the primeval forest should be holding conventions to consider the "tramp nuisance," —the sure symptom of that leprosy of nations, chronic pauperism.

Men who have yet to pass the summer solstice of life will remember, when they were boys with what contemptuous pity they were taught to regard the effete monarchies of the Old World. Dare they teach to their own boys in this Centennial year the lessons which they learned with every returning national anniversary? Can we scoff at royalty when the bribe-taker has been tracked to the very door of the White House? Can we ridicule hereditary legislators when our own Senators sit in purchased seats? Can we deride coats-of-arms when the shield of the nation is used by the nation's representative to advertise a common swindle, and the eagle of the republic cut into bait with which to gull the people to whom he is accredited? Does the law lord of England look so ridiculous in his wig and gown when our highest law officer stands accused of stealing the funds with which he is intrusted? Dare we prate of the luxuries of courts when our soldiers on the frontier are robbed of their paltry pay to robe in shimmering satin the wife of an American Secretary of War? Can we brag of the blessings of making our own laws when a single corporation pays a million dollars to get a bill passed by Congress, and a member of a State Legislature moves that if a railroad magnate has no further business with it, this house do now adjourn? or boast of the virtues of the ballot when great cities are notoriously ruled by the scum of their populace, and Government employes are marched up to the polls in line and given a pasteboard ticket to vote? Can we look with mingled horror and contempt upon the French 18th Brumaire and 2d of December, when we have heard the hall of an American Legislature echo to the tramp of armed men? Can we talk so flippantly of the pauper labor of Europe when our roads are crowded with men looking vainly for work, and public soup-houses are opened every winter in our great cities?

All this means the gradual approach of a state of things in which republican government is no longer possible; in which, though its forms may be preserved, as forms are always preserved, republican government will have to be abandoned, and the best elements of society may be anxious to exchange the empty privilege of poking pieces of paper in a box, for the security of property and the guarantee of order. democratic republicanism is like some of the gases, innoxious when pure, but an agent of terrible destruction when adulterated.

The Remedy yet in our Hands

But these things indicate evils as yet entirely within our own power. It is in no fools' paradise where all things are provided that the Creator has placed us; but a world in which, if we will but use the reason he has given, we may make all things bend to our service. There is no law that necessarily associates deep poverty with great wealth, political corruption with material prosperity, and internal weakenness with external greatness. But there is a law by virtue of which things good in themselves tend to be become evil if not properly restrained and directed. There is a law by virtue of which we can never safely abandon present effort in the belief that a past generation has done all things needful—a law to which Washington directed our attention, in the maxim, "Eternal vigilance is the price of liberty."

It is my firm and profound conviction—a conviction supported by every axiom of political science and reinforced by every page of our history, that the Democratic principle, carried out in its integrity and expanded as it is capable of expansion, will not only solve all the evils of which we now complain, but the new difficulties that time is sure to bring. But of this each of you has the same right; each of you the same opportunities of judging as I.

Judge for yourselves. Ask not what this man says or that man says; consider not who is on this side or who on that. Vote as though your vote was the casting one. How you vote no one has a right to ask. That is a matter between you and your own conscience. But what the nation has a right to ask of you; what is the first duty of citizenship, is that you give the question presented in this election your best thought. Commonplace as such an election as this may seem, yet viewed as the struggle of two great policies of government, it is impossible to overestimate its importance. The question presented to you is not an abstract one; it is not a sentimental one. It relates directly and immediately to the daily life of the individual It stretches far out into the future. It appeals to every business man as a question of profits, to every working man as a question of wages. It involves the moulding of the character and the shaping of the destinies of a nation which is to be the grandest power of the world, and must be the great example or the great warning of the Twentieth century.

The influence of government upon national character is as far-reaching as it is unobtrusive. It resembles the action of those silent processes of nature which do not force themselves upon our attention, but in which long-continued observation recognizes the world-builders yet at their work. It may seem to make small difference in the every-day life of the individual, even when the most pernicious policy is adopted as the rule of the State, but what we know of the history of the world is little else than the record of how this cause has transmuted races of conquerors into races of slaves, wealth into poverty, learning into ignorance, art into barbarism, the divine spirit of progress into brutish apathy.

Here we stand, a new nation on a fresh continent, endowed as never a new nation was endowed before—with all that has been slowly gained by the best of the race through thousands of years of effort and mistake, and struggle and sacrifice; free sharers in all that is valuable in the heritage of our elder brothers, exempt from all the conditions that cripple and bind them. What will we do with the talent that has been intrusted to us? Wrap it in a napkin and bury it in the earth, or put it out to increase? Merely make a new Europe; or carry forward the promise of progressive humanity to full bud and glorious bloom? Great we must be. In the coming century whose shadows are even now beginning to steal over us, this nation must occupy to the rest of the world a position such as has not been held by any nation since imperial Rome perished of the concentration of capital and political corruption. The centre of power, art, refinement, literature and wealth must pass to this continent. But shall there also pass over here the centre of that volcanic force which shot up a premonitory admonition in the flames of burning Paris; of that barbarism which made Macaulay point to the shadow of palaces, and museums, and colleges and libraries of great cities as the new wilds from which might some day emerge for the overthrow of modern civilization Vandals more destructive than marched under Genseric and Huns more fierce than followed Attila? Shall our power be exercised by a few for selfish ends, or be wielded by the people for the people? Shall our culture be confined to a class, or be the common heritage of all? Shall wealth be dammed up, here making pestilential marshes and there a desert, or flow in its natural courses giving to each his fair, full earnings? These are the questions which we must settle in these elections of ours.

A Recapitulation.

Let me recapitulate:

The question involved in this election is not as between two men; it is not as between two parties. It is between two great policies of government, and your vote, or even your refusal to vote, must be its answer. Between the policy of Alexander Hamilton and the policy of Thomas Jefferson you are called upon to decide. You have tried the one. You see its results in ruined commerce, prostrated industry, and an epidemic of corruption that has disgraced the highest places and is fast eating downward to poison the daily life of the masses. You see it in the differentiation of the people into the very rich and the hopelessly poor. Will you continue it, or will you try the other?

Be not deceived! You might as well charge the bullet or the knife with being the cause of the death of a murdered man as to think that all the things of which you complain result from the accident of having had bad men in office. What can any change of men avail so long as the policy which is the primary cause of these evils is unchanged?

The great problem of Republican Government is yet to be solved! Its crucial trial is not on fields of battle, but in peaceful struggles such as this. If you elect to continue a governmental policy which has for its end and aim the building up of that aristocracy of capital on which De Tocqueville, forty years ago, warned us to keep our eyes anxiously fixed, then the bounds of our destiny may be seen in the past. Do not fear that any monarchy in name will ever be established here. We were done with monarchs in George III. After the expulsion of the Tarquins no one ever arose in Rome to call himself King. But as in Rome, under the simple name of Imperator, which at first had no more significance that the title of General now, a master came to rule as the Kings never dared to rule—so with us. Concentrated wealth, if present tendencies continue, will in some insidious way bind us with bonds we cannot break, and so enervate the people that, in the dread of anarchy, they will be content with the loss of liberty.

The genius of Democracy points to the future. She sees in it possibilities greater than any yet realized—possibilities only shadowed forth to dreamer or martyr as gleams of a Golden Age or visions of the City of God. A nation too great to need armies; too proud to do injustice; too powerful to fear it. A nation whose simple government shall merely prevent the strong from oppressing the weak and hold the equal scales of justice. A nation where trade shall be free from barrier or restraint, and industry unhampered by law; where the ox that treadeth out the corn shall not be muzzled; nor the producers of wealth want amid abundance. A nation that can spare the toil of women and children; that needs no alms-houses or soup societies; where even the day laborer may have leisure and refinement and independence; where something better than wealth, shall be looked on as the chief good and highest honor. A nation that has come fully out of the night of barbarism, and shines in the full light of Christian civilization; a nation where liberty means the perfect freedom of each to develop all that is best in his character without interfering with the equal rights of others.

Is it only a dream? Perhaps it is. But things which we now enjoy as freely as the air around us were but dreams when men died for them. It is only by looking at the ideal that we can appreciate the spirit of the hero, the devotion of the martyr, the enthusiasm of the poet—the preciousness of the heirloom we have received from the past, of the legacy we may leave to the future.

After the burst of applause which followed the conclusion of Mr. George's remarks had subsided, he was, on motion, unanimously requested to furnish the Club his speech for publication in pamphlet form.

THOMAS' Print, 505 Clay St., S. F.

HARD TIMES

EFFECT, CAUSE AND REMEDY

BY A. E. GREGORY

READ BEFORE THE SAN DIEGO FABIAN SOCIETY

AND PUBLISHED BY ITS REQUEST

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Hard Times.

Effect and Cause.

Hard times is an affliction as old as the world. The destitution of the many when the pinch came, has been expressed in every language; for not one of all the civilized races of men has been able to escape the visitation of this plague. In no time in the past, however, has the disruption of business carried with it such distress and mental and physical suffering into so many homes and into so many hearts, as has the wreck of business relations in the past five years.

Notwithstanding that we are nearing the close of a century remarkable for the invention of devices to produce and manufacture everything that tends to relieve the burdens and supply the wants of mankind, the hardships and misfortunes and sufferings of men and women multiply instead of decrease. In spite of the fact that to-day prices for nearly every commodity in use, are lower than at any previous time, the masses are only able to buy barely enough of them to sustain life. In spite of the fact that this period is unparalleled in productiveness, and that the great store houses of the world are

fairly bursting with products of the soil and factory, want is pictured in hideous form on the faces of men and women everywhere, and, think of it, those who suffer most, and who are hungry and weary and faint, and who are experiencing the greatest want, are the men and women by whose labor these warehouses have been filled.

It is these men and women, with hungry stomachs, and pallid countenances, and wrinkled foreheads, and sunken eyes, and weary hearts—the toilers of the field and shop and factory—to whom we are indebted for every comfort that we enjoy, and yet, as time advances their numbers increase, and we, their robbers, look upon them with a sorry, sardonic sort of complacency.

Is this inequality of the enjoyment of life to last forever? Yes, and the stream of poverty will fill up and become flooded, unless, guided by the lamp of the past, we blaze a new and bright and true pathway through the wilderness of error.

Why these hard times, when mountains of plenty are fairly toppling over upon us? This is the important question, the living, burning issue of the present. Every sane man and woman who will take time to reflect can think it out, and will know full well the cause.

It is simply the failure of our systems of

organized society and of organized government, local, state and national the world over. We know that these systems are nothing else but collosal structures of human stupidity; fossil customs that have no reason in them or practical benefits, and that we cling to them with a fawning obedience and submission that borders on lunacy, and for no other reason than that each generation of children are taught in the schools and home libraries to revere and respect custom and the law, no matter how absurd the custom or unjust and burdensome the law.

We know that the failure of government is the result of unduly delegated authority by the people to their officers or agents. In other words, the people, instead of attending to the business of governing themselves, have blindly turned it over to agents, with authority to establish such rules for their conduct as these agents might deem best. To make it still plainer, the people of every country, up to this period, have thought that they have needed guardians to attend to their persons and estates, have seemed to think themselves minors and, therefore, not qualified to conduct their own actions or transact their own business. The surrender of this authority, however, has not been voluntary in all countries. The rulers of some of the governments have

used persuasives in the way of implements and instruments of war, to bring the people around to the conviction that it was best to allow agents to transact their business for them, and indeed, may we not say with much truth, that we of the United States have reached a time in our history, when the surrender of this right to govern ourselves is not altogether a voluntary act on our part.

The people have said through their representatives in congress, that they want an income tax, but by a vote of five to four of the supreme court, the constitution is twisted around to make the act unconstitutional, and the wish of the people is thus defeated. A similar act was constitutional under President Lincoln's administration.

The object of government is the mutual benefit of all concerned, that is, the good to be accomplished by association under a system of government, should extend to and be enjoyed by the lowest as well as the highest citizen. Reflection informs us, however, that such is not the case with any existing form of government. We know that no government was ever established on the face of the earth for any such purpose, and know that a majority of those who have been delegated with the power of making

the constitutions and laws of nations, have never been able to eliminate sufficiently the spirit of self, to enable them to enact codes equally beneficial to the masses as well as to themselves.

We point with pride to our Declaration and go into enthusiasm every Fourth of July on hearing read: "that all men are created equal, and endowed with, among other rights, life, liberty and the pursuit of happiness, that to secure these rights, governments are instituted among men." Twelve years after the adoption of this just declaration of the rights of men, the representatives of the several states assembled, and losing sight of the principles thus adopted, and before the ink was dry to the preamble, which reads: * * "in order to * * establish justice, * * promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America," they agreed to a constitution recognizing the institution of slavery as a legal right, and our flag, the emblem of liberty, floated, not alone over the land of the free and the home of the brave, but over the cabins of the slave, as well.

I refer to this moulding of our Constitution to enhance and protect the wealth and power of those already wealthy and powerful, as an

illustration of the general prostitution of constitutional law in the interest of capital and those on the inside of government, and is not the recent decision of the supreme court conclusive evidence of that fact. We know beyond question, that nearly all law is class legislation, enacted in the interest of the few as against the many, in the interest of the rich as against the poor, and that we cowardly permit and endure these legalized systems of robbery. We do not know, however, how soon, by the turn of the wheel of fortune under this baneful system, the robbers of to-day will fall into the ranks of those who are being robbed, or how soon the robbed will become the robbers.

The cause of hard times now, and in all the past, is alone attributable to selfishness. This selfish spirit to a large extent is cultivated. It is an educated selfishness. Men and women are forced to cultivate this spirit to protect themselves from want under existing systems of society. It is this selfish spirit that underlies the law that protects the capitalists of the world in the enjoyment of their accumulated stealings, and subjects those whom they have robbed to the misery they endure.

It is the father of the idea that if a few men or syndicates of men can secure the control of

the resources of a country, they are entitled to such control; instead of the rational and just idea that the government should own, hold and manage such resources for the mutual benefit and collective use, prosperity and happiness of its citizens.

Under the laws growing out of this false idea, the resources of the older countries have long since been subjected to this limited control, and the magnificent resources of our own country are now the private property or under the control of a very few persons, who wield with iron will the destinies of the people.

The farmers, manufacturers, merchants, mechanics, laborers and professional men, are all under this relentless sway, notwithstanding they flatter themselves with the conviction that they are free and independent citizens.

It is the foundation of the system of competition between nations and between neighbors, and the whole cause of hard times. And hard times will increase and endure as long as the human race exists, unless we recognize that a new principle in government must be enforced, which can alone eliminate this foolish and unprofitable spirit of selfishness. The old principle of protection to individual instead of collective property rights, so long maintained as the true

principle of government, must be reversed; it will not, it cannot, satisfy the great necessities that changed conditions have wrought in the welfare of men.

Remedy.

In our contemplation of this subject, we must not forget that hard times have always existed, and are ever with us; that even in our most prosperous periods it is a struggle with the multitude for a living existence, and that it is only during periods of financial crashes that many who have thought themselves entrenched behind plenty, are whirled into the ranks of the strugglers and are brought to a realization of the unfortunate condition that the masses are compelled to endure.

The past five years have taught the lesson to countless numbers that under the brainless and selfish system of competition there is no absolute security against ruin and bankruptcy, and should disclose the fact to all that there never can be such security while the system lasts. Neither must we forget that under this world-wide system—the brutal system that has for its motto: "To the victors belong the spoils," and a system that has been practiced alike by every civilized government and by all civilized peoples—

the opportunities for mankind to better their conditions are growing narrower; that the elbowing push and struggle for a respectable existence is increasing with a rapidity that threatens collision and a complete lock-up. Almost within the life-time of those now living vast territories that were unknown country to the white race, equal in extent to the United States, have passed into the possession and ownership of individuals and corporations, and the spectacle of men killing each other in the attempt to secure homes is witnessed, whenever a strip of new territory is opened to settlement, as was the case in the Oklahoma country. What did Horace Greeley mean by his advice, "Go west, young man, and grow up with the country," unless he thought that the opportunities were greater in new territory than in the crowded east? Whatever prosperity we have enjoyed in the past has in no respect depended upon or resulted from superior provisions in our constitution or in our laws, but has been the outgrowth of the unparalleled resources of our country.

Add to the problem of the exhaustion of the public domain, the lamentable inroad that invention has made in the field of labor (the benefits being controlled by the power of wealth), and the vast accumulation of the world's wealth

(labors' product) within the controlling grasp of the few financial pirates who manipulate governments, wreck industries at their will and as it may benefit their private schemes, and lay tribute on the toil of all, and who will doubt that the opportunities for men to even exist, let alone enjoy life, are becoming prescribed within limits that are intolerable and breed a discontent that is heard in mutterings of appeal that will finally accept of nothing less than an equitable adjustment of wrongs that are subverting every inalienable right of the people. With these conditions ground into the conviction of everybody, who will be bold enough to assert that a child born to poor parents to-day, has as fortunate opportunities before it as the child had that was born with like parentage thirty years earlier? At least ninety per cent. of all the little rosy cheeked, smiling-faced babies are now born with out a home; with no country, any part of which they can call their own, and in which they have little hope of ever being able to secure a tangible interest; with no inheritance or birthright whatever, except the birthright of perpetual slavery and serfdom; and with every certainty that the roses will fade out and the smiles give place to expressions of care and anxiety long before they become men and women.

Remember, reader! that hard times are with us, and here to stay and will increase in their intensity, and the ranks of the poor will grow into numberless legions, and into dangerous legions, unless a remedy is provided for equalizing men's opportunities for the enjoyment of material prosperity.

It has been and is now the popular belief that the remedy consists in effecting changes in the administration. This is a delusion that will never turn into a happy reality, and thoughtful men search for a reason why the people cling to this hope when the fallacy has been so repeatedly proven by trials of the changes sought. No statesmanship under the old, threadbare, destructive and senseless system of competition can ever restore to the people these wasted opportunities.

The question that attracts almost the exclusive attention of the people to-day, is the remonetization of silver. Who can understand the folly of the hope that good times will be secured by the restoration of silver to a parity with gold when poverty and financial panics were as prevalent during the time it enjoyed that position as now? To hope for universal prosperity through this channel, is another delusion that time will never turn into a happy reality. The

remedy does not go to the root of the evil.

A complete remedy is within the reach of the people if they will unite to secure it and insist on adopting and enforcing a just system of government. All it requires is the exercise of reason. Reason tells us that the law that permits one man or a combination of men to control all the oil, or coal, or any other article or commodity produced is as unjust and as wrong as it would be for a father or mother to permit a strong child to take and eat all the pie on the table, throwing at will a broken piece of the crust to a weak brother or a weak sister. This is the system we are sustaining and practicing to-day. If one man through superior scheming and manipulation could secure the ownership and control of every acre of land in the United States, we would say: "That is right, he is smart," and because of his shrewdness he is entitled to its exclusive control, and the balance of us would vie with each other to secure a potato patch from him, promising to give him nine out of every ten potatoes we could raise. This is where the selfishness comes in. We all think that we may in the end become that powerful man—that we will sway this sceptre of power over our brother men; that we will have them cringing before us with pleadings for a potato

patch or some other like favor, but we never think that it will be wonderfully humiliating and distressing to our neighbors. Who are our neighbors—all men? Yes, all men, and can we only be happy by seeing them miserable?

Reason teaches us and all experience has shown that this is a shortsighted selfishness, and that it invariably results in our own discomforture and distress. In other words, that it does not pay; that it is absolutely impossible for but a very few to be benefited by adhering to this system from which there has been no deviation in all the past, and that even to those few the benefits are less enjoyable than they would be if material prosperity was universal, which can be and must be to meet the destiny of man.

Now, if it is unjust for a father to allow the strong child to take from the weaker children all the pie, so it is equally unjust for us, the people, the government, (this is what we are told, that we, the people, are the government,) to allow one man or a combination of men to take all the coal, all the oil, all the electricity or other products and convert them to their exclusive use. The people, the government, have produced these supplies, and the family government produced the pie, but in this case the family government is just and the pie is equally divided

and distributed to the strong and weak children, alike. While in the other case, we, the people, are unjust in our government of each other and we allow the few to carry away the products of the many.

The complete remedy for hard times is "the new nation," a new system of government as set forth in "Looking Backward" by Edward Bellamy. A system that will secure absolute protection to all against misfortune, whether that misfortune comes through drough, flood or fire, whether it is caused by the destructive elements of nature or by the destructive designs of man; a system that will restrain a few from hoarding the products of the many, and that will provide a way for distributing them equally to all that they may be enjoyed alike—and this system must be sufficiently effective to prevent the possibility of the wealth of the nation from accumulating, except as a reserve supply to be distributed to a district of the people where flood or fire or other cause has destroyed its allowance. Under the old system this can never be accomplished. We need a new constitution. Our national constitution was never a good one. It disfranchised one-half of our citizens, our mothers, wives and sisters, and, as previously shown, it recognized as a legal right, the great

wrong to deal in human flesh as property, and an amendment enfranchised a race of illiterate people while the right to vote is withheld from millions of intelligent and educated women. It did and does now give greater privileges to those coming to our shores from foreign lands than those born, reared and educated under our institutions, and it was only agreed to by such lovers of freedom as Jefferson, Franklin, Adams, Madison and others, because they saw no other hope for forming a federal union.

We must have a system that will restrain men from plundering their brothers; a system that will eliminate from our hearts the spirit of selfishness; a system that will remove the cause for selfishness. When all are prosperous this spirit will die out. In a world of abundant production there is no good reason for hard times, no reason why all should not be prosperous so far as material equality is concerned.

Then the way to good times is through "the new nation," a new system and a new constitution. It must come through a new National party with the platform: Entire government ownership, abolition of money and equal distribution of products.

Entire government ownership will wipe out contracts, deeds and mortgages, assessment and

tax books, capitol and court-house records, and the innumerable account books and records kept by those engaged in individual enterprises; do away with the credit system, which, next to competition, is the rankest folly the people can indulge in as a habit, and will turn the work of those thus employed into productive labor.

Abolition of money will wipe out all artificial business, such as banking, soliciting patronage, insurance, negotiating loans, bond brokerage and stock gambling, which are but juggling substitutes for legitimate and useful employments, and all the other needless callings that men engage in solely for making money.

Equal distribution of products will destroy the custom of barter and trade, the manufacture of shoddy and useless goods and wares, the adulteration of food and drinks; prevent the necessity of seeking a foreign market for our agricultural and manufactured products; prevent overproduction and waste; remove the cause for the use of money, and therefore the object of class legislation.

A government conducted in conformity with these three principles would be a paternal government, but the parent would be the voice of the people, and therefore, the government would be a just government, for there can be no doubt

that the voice of the people, if permitted to be heard, will proclaim and establish absolute justice in the exercise of those relations affecting their collective prosperity and happiness.

Under a government adopting these principles as its fundamental law, hard times will disappear and will never be known again, for the enlightenment that brings such a government into operation will make it as enduring as time.

Under this system all persons not physically or mentally disqualified, would be furnished productive or distributive employment, and would be required to discharge their duty to the nation in such work as they were found best fitted to perform, and as an evidence of their services, they would receive from the government a certificate for an equal share of the nation's products, which would be honored at the depository or store-house of the government supplies.

Add to the present producers and distributors of the wealth and supplies of the nation, the vast number of persons now engaged in artificial and needless occupations, and, with the machine-producing power of the country, we will have an army and force of facilities of such magnitude, that two hours' labor or less each day would produce, store and distribute every material thing that adds to the comfort

and happiness of men, and this army of co-workers could be formed into relief parties, of three months of each year, of eight hours per day, giving to all nine months annually for improvement and recreation.

This is no utopian or imaginary dream. Since the original draft of this article was written, indebted to Alexander Harvey for the suggestion, in an article of his published in the "Twentieth Century" of August 22d, I have read Prescott's history of the Incas or the government of Peru prior to Pizarro's conquest of that country, and have learned from it that in the thirteenth and fourteenth centuries a government was in practical operation similar in form to the one outlined by Mr. Bellamy, and with most beneficial results. I quote the following from Mr. Harvey's article:

"This great people had no capitalists and no competition. Everything was owned in common. Every man, woman and child was assured a house, and food and clothing. There was no labor problem, for the only employer was the State. There was no money for nobody had anything to sell. There was no theft, for there was no incentive to steal. There was no crime and no public disorder, and that modern scourge, poverty, was unknown. * * * There were no stores, no business, no bartering. * * * Nor were there law suits or

breaches of contract or debts. The Incas had not even words in their language to express any such ideas."

The history of this government is a continuous confirmation of these statements. Storehouses (magazines) were constructed in districts throughout the empire and filled with the products of the country. The government exercised persevering care that every subject, no matter how humble, should be supplied with plenty, and Prescott tells us that poverty and want were unknown to this people. In fact, the government of the Incas is incontrovertible proof that Nationalism (co-operation) is the only form of government that can secure to the people absolute protection against want, free them from the slavery of the wage system, and forever blocade the avenues to hard times.

Procure a copy of and study "Looking Backward," by Edward Bellamy, and read Harvey's article in the "Twentieth Century" and "Prescott's History of the Conquest of Peru."

ARGUMENTS

10.

OF THE

HON. WILLIAM M. GWIN

ON THE SUBJECT OF A

PACIFIC RAILROAD,

BEFORE THE SENATE OF THE UNITED STATES.

WASHINGTON:
HENRY POLKINHORN, PRINTER.
1860.

.01

WASHINGTON, May 1, 1860.

Hon. WM. M. GWIN,

U. S. Senator from California:

SIR: The subject of a Pacific Railroad will probably very soon occupy the attention of the United States Senate and House of Representatives.

After perusing your speeches of April, 1854, April 8 and December 13, 1858, delivered before the United States Senate, containing valuable statistics and important information, which must have cost much time, labor, and care, to collect, and as the subject is but imperfectly understood by many who desire information to guide them in forming their opinions, I would respectfully suggest the republication of those speeches, or such portions as apply to a general consideration of the matter

I am, very respectfully,

THEODORE D. JUDAH,

Representing Pacific Railroad Convention.

U. S. SENATE, WASHINGTON, May 2, 1860.

SIR: Your favor of May 1st is received; and in response to your suggestion, I would state that I will order a reprint of those portions of the speeches you mention to be made immediately for distribution.

Very respectfully,

WM. M. GWIN.

T. D. JUDAH, Esq.,

Representing Pacific Railroad Convention.

SPEECHES OF HON. WM. M. GWIN,

OF CALIFORNIA,

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 10, 1854, APRIL 8, 1858, AND DECEMBER 13, 1858.

APRIL 10, 1854.

Mr. PRESIDENT: The history of the country presents no instance of a measure of great national importance in which there has been such unanimity of public sentiment in its favor as the project of connecting the Atlantic and Pacific by means of railway. We are left in no doubt as to the judgment of the American people on this subject. The agricultural, commercial, mechanical, and manufacturing interests; our statesmen who held, and who now hold, high places in the councils of the nation; our citizens in primary assemblies, and legislatures of sovereign States, have declared in its favor; and the press in its power, in terms not to be misunderstood, has echoed and re-echoed public opinion in its support, from one end of the Union to the other. Yet nothing definite, thus far, has been done, although appeals have again and again been made to the Congress of the United States to take the initiative in this great measure. Upon what plea can we go before the tribunal of public opinion and excuse ourselves for longer delay? Happy in the quiet, yet progressive development of the arts of peace, without a speck of war threatening our horizon, what time more propitious than the present for us to act in this matter, so earnestly pressed upon us by public sentiment, in which the Chief Magistrate has so distinctly recommended in his annual message to Congress?

Ask me "for anything but *time*," said the great Napoleon, "and you shall have it." Is there any Senator, friendly to this measure, who is insensible to the importance of immediate legislation in regard to it? Individuals for a few fleeting years perform their part, and, one after another, soon pass off the theatre of human affairs. Their usefulness in the role of life is then seen in the wisdom of their policy, of which posterity will best judge. The necessity for this work, in a thousand forms, crowds upon the mind as we survey our present condition, our capacities, our wants. The enriching power of trade foreign and domestic, and the prospect of our advance in greatness, are the indecements to begin it now. The results no one, at this time, can properly estimate. * * * * * * * *

Is it not our clear constitutional right to construct this great highway through the territory of the United States? Could language be more explicit than the delegation of authority in the fourth article of the Constitution, for Congress "to dispose of and make all needful rules and regulations respecting the territory of the United States;" coupled with the power given in the first article, "to establish post offices and post roads;" saying nothing of those powers naturally flowing out of thai instrument to carry out its great purposes?

THE POSTAL SYSTEM

was stipulated for, even under the Confederation. In the ninth article, Congress had the exclusive right of "establishing and regulating post offices from *one State to another* throughout the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." When the original draft of the Constitution was prepared, it only proposed to give Congress "the power to establish post offices," but it was subsequently amended by adding "and post roads;" in which form it was adopted without opposition.

The *Federalist*, in an article prepared by Mr. Madison, in discussing the provisions of the proposed new form of Government, declared that "the power of establishing post roads must, in every view, be a harmless power; and may, perhaps, by judicious management, become productive of great public convenience. Nothing which tends to facilitate the intercourse between the States can be deemed unworthy of the public care."

The Articles of Confederation had been projected before the date of our act of independence. On the 11th of June, 1776, the revolutionary Congress resolved that "a committee be appointed to prepare and digest the form of a confederation to be entered into between the Colonies." Their ratification, however, did not begin

until 1778, and was not consummated until 1st March, 1781. From this period until the year 1789, when, on the 4th of March, the first Congress met under the new Constitution, the power given in respect to the postal system resulted in the establishment of seventy-five post offices with a total extent of mail route of 1,875 miles, at a cost for mail transportation of $22,081. The efficacy of the new and enlarged delegation of power in the Constitution appears in the fact that, in the ten years immediately preceding the beginning of the present century, a little over the period in which the postal system had existed under the Confederation, the number of post offices in the Union rose to 903, with an extent of post route of 20,817 miles, at a cost of mail transportation of $128,644. The succeeding ten years it increased to 2,300 post offices, with 36,406 miles of post route, at a cost for mail service of $327, 966. From that period it has been steadily advancing, until, in the year 1852, there were 20,901 post offices, 214,284 miles of post route, at a cost for mail transit of $4,225,311. For the past year(1853)we have 22,788 post offices, 218,743 miles of post route, and $4,989,758 paid by the people for organizing, enlarging, and perfecting this mighty system, which, like the nerves of the human body, is designed to be extended over every part of our country, carrying intelligence from the center to the extremities of the Republic. Is it not universally admitted that intelligence is the vital principle of popular institutions, the current of life that is to sustain them, and renew, in its regular flow, their health and power?

Is not the authority which the Constitution confers for promoting the arts and sciences, and the policy established by the founders of this Government in setting apart a portion of our public domain to the cause of education, an evidence of the importance they attached to the dissemination of knowledge as the mainspring of progress?

The prompt, speedy communication of intelligence is the great desideratum of the age. We seek it, like the diffusive light of day, as an element, not merely of social enjoyment, of mental improvement, but of industrial prosperity. The telegraphic wires now stretching over the Union, the British Isles, upon the continent of Europe, even reaching Asia and Northern Africa, passing over rivers and under inland seas, and the millions that are paid for the service, confirm the truth here asserted. The post horse and country road have yielded to the post coach and turnpike; these to the railway and steam engine; whilst, in speed of transmission, the electric power has passed the summit of human expectation, by its triumphs over time and space. Upon what ground can we withhold from California direct means of intercommunication equal to those possessed by her sister States on the Atlantic, when the Constitution declares in its fourth article, that "the citizens of each State shall be entitled to all privileges and immunities of the several States?"

In view of this Constitutional obligation, will you not extend to her a participation in that wonderful system of inland transit and intercourse with her sister States which others enjoy without stint or limitation? Will you leave us separated and disconnected from you by half a hemisphere, and compel us to seek our ancient homes, and mingle with you only by encountering the privations of an overland journey through an Indian country, or the dangers of the sea in coming around the western and eastern slopes of the North American continent through foreign territory, or in pursuing, for seventeen thousand miles, the watery track around Cape Horn?

I have thus considered this subject as a part of a postal system, esteemed by every enlightened nation so important to its prosperity, and in which we seek a fair participation. It has been operating in the political transitions of the country, from the Revolution to the present time, and the people of California ask to have extended to them its full benefits, not as a favor, but as a constitutional right. We simply ask a loan from government, of her credit amounting to one half the cost of the road, on ample security, to be repaid in transportation; and an appropriation of public land, in limited quantities, and with specified restrictions, in accordance with legislative precedents, well established for nearly a third of a century. It is, in fact, only necessary to consult our statute-books for the last three years, to see the unqualified manner in which this Congressional power has been exercised. I refer more especially to the act of Congress, approved September, 1850, to grant "the right of way, AND MAKING *a grant of land* to the States of ILLINOIS, MISSISSIPPI, and ALABAMA, in *aid* of the construction of a railroad from Chicago to Mobile." Also, that of June 10, 1852, "granting the right of way to the State of Missouri, and a PORTION OF THE PUBLIC lands to aid in the construction of certain railroads in said State;" followed by a general act, approved August 10, 1852, granting "the right of way to all rail and plank roads and macadamized turnpikes through the public lands belonging to the United States;" and the act approved February 9, 1853, "granting the right of

way, and *making* a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith, and the Mississippi river."

Upon these precedents, and numerous grants of public land to other States of the Union, which, unlike Californira, have been fostered, nurtured, and sustained by the National Treasury from Territorial infancy up to their political majority, and have since received the benefits of large concessions of the richest agricultural lands, we ask of Congress, and have a right to ask, upon the terms of even-handed justice, that our far-off State, exiled by a continent of territorial space, shall be placed upon an equal footing with other States of the Union; and who in justice can stand up here and deny us?

CONSTITUTIONAL POWER.

We find the opinion has been advanced with great ability, and eminent juridical learning, that the clause in the Constitution respecting "post roads" gave Congress an *express*, not implied, power; and that the non-exercise of this power, in its full extent, in regard to the construction of "post roads," but merely designating existing State roads as post routes, was not a surrender of the power, and did not exhaust it; but that, under the Constitution, it still exists as a full right, and may be exercised whenever in the judgment of Congress it may be necessary. This construction, however, falls within the reasoning and principles that assert a still larger exercise of Congressional interposition in works of internal improvement. Mr. Jefferson, in his annual message of December, eighteen hundred and six, and his successor, Mr. Madison, in his message of December, eighteen hundred and sixteen, denied any such general power in Congress. President Adams, on the other hand, in his inaugural of the 4th March, 1825, took a contrary view, which sanctioned the principle, and favored expenditures from the National Treasury for such purposes. In 1827, the House of Representatives, by a large majority, voted an appropriation for the continuation of surveys of routes and roads. In 1830, that body took an opposite position, and rejected by a decided majority a bill to construct a road from Buffalo to New Orleans; and in that same year, President Jackson held that Congress possessed no power, under the Constitution, to construct roads, or vote money for internal improvements of a *local character*, but admitted that the right to make appropriations for works of a *national character* had so generally obtained as to warrant its exercise.

In his message of May, 1822, President Monroe examined with eminent ability the constitutional provision delegating authority to Congress respecting "post roads." He analyzed this subject by an almost irresistible process of reasoning, and by his construction confined and restricted the power in such a manner as to avoid the slightest trespass upon the rights and jurisdiction of the sovereign States. The power, as thus defined, is held to be the true constitutional doctrine, and in accordance with it we propose that California shall make her own portion of the Pacific road, from its junction on her eastern boundary to the ocean; and make to her a grant of land in strict and exact obedience to legislative precedents, to aid her in the construction of the same.

"Suppose," said a distinguished jurist who once adorned the supreme bench, that "the State roads do not furnish (as in point of fact they did not at the time of the adoption of the Constitution, and as hereafter, for many exigencies of the Government in times of war and otherwise, they may not) suitable routes for the mails, what then is to be done? Is the power of the General Government to be paralyzed?" Such considerations doubtless had their weight with Congress, for in 1806, during the administration of Mr. Jefferson, a law was passed, by which the President was authorized "to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the 31st degree of north latitude," and "to cause to be opened a road or roads through the territory, lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Grenville;" and to cause to be "opened a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory." Here, and in other examples which could be cited, we find Congress expressly requiring the Executive of the General Government to have a road opened even through the limits of a sovereign State; but waiving these precedents, and adhering to the sounder constitutional doctrine, which forbids the exercise of such powers by Congress within the boundaries of a State, the provisions of the bill are so drawn that the strictest constructionist can take no exception to them in this respect.

That there must be an ocean outlet from that immense territory, extending from

the Mississippi valley on the east to the Pacific on the west, must be conceded by every member of the Senate. Is it to be supposed that the active, restless, and enterprizing race of men already finding their way for settlement in that direction, and soon to fill it up by millions, with their high capacities of civilization, can be confined in their trade and business of life to expansive prairies and plains, or walled in between the rocks of the Sierra Madre and Sierra Nevada mountains? Does any one imagine that this state of things will be permitted by a race whose history resembles in its progress the resistless people who came from the regions of the north of Germany, rushing over the Roman empire, yet with this grand and distinctive difference, that instead of carrying ruin and desolation, they scatter everywhere the seeds of civilization and prosperity, and are sowing them broadcast upon the bosom of the American continent?

In this career of civilization the forest has fallen beneath the axe of the pioneer, and been succeeded first by cabins, then villages, then cities with their palaces. The water powers of nature that fell in sullen solitude have been trained and directed so as to labor for man as his slave: and plucking life from fire, and breathing it into a grosser element—the solid earth, whether in valley, hill, or mountain—rivers, inland seas, and oceans, are traversed with lightning speed by his new creation of motive power.

Desolation and silence have been waked up from the slumber of centuries, and the busy hum of life, in all its social and political forms, is everywhere heard. Can a race of men with such energies, such capacities, be held in check, or remain indifferent to delay? And why should we not, as legislators, at once meet the exigencies of the age in which we live?

In the discharge of our public duty we can, as a rule of direction, ever look with confidence to the policy and wisdom of the illustrious founders of the Republic. Let us consult their history when foreign interference attempted to obstruct their natural commercial right of outlet, and see the value they placed upon that right, and the kindred one of unrestricted communication.

Mr. Jefferson, when Secretary of State under Washington, saw the blight to our prosperity that would result from permitting the Spanish government to intercept our right of way to the Gulf of Mexico, from our southern boundary, the 31st° of north latitude, as established under the definitive treaty of 1783.

The instructions he prepared in 1792 for the United States commissioners appointed to negotiate with the court of Spain, respecting the navigation of the Mississippi, demonstrate the comprehensive policy of that great statesman. He not only insisted on this as a right under the treaty of 1763, by which it was yielded to the subjects of England, and passed to us when the political sovereignty changed, but that it was a right based upon broader and more unquestionable grounds, and that is on the law of nature and of nations.

If we appeal, said Mr. Jefferson, to the law of nature and of nations, "as we feel it written in the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and the rivers to all their inhabitants? Is there a man, savage or civilized, unbiased by habit, who does not feel and attest this truth? Accordingly in all tracts of country united under the same political society, we find this natural right invariably acknowledged and protected by laying the navigable rivers open to all their inhabitants. When they enter the limits of another society, if the right the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind.

The difficulties growing out of our controverted right to navigate the Mississippi, to the Gulf soon satisfied our statesmen that the question could be more effectually put to rest by acquiring the sovereignty of New Orleans and other dependencies. The agitations and conflicts in Europe had changed the relations which Spain bore to that Territory, as she had become supplanted in its sovereignty in virtue of the cession of it by a secret treaty in 1800 to the French Republic.

During the exile of Carnot, he referred, in an answer addressed by him to Bailuel, to a project on foot in the French Directory to obtain a cession of Louisiana rom the Spanish government. Hints of the progress of this affair had reached our Minister at the Court of St. James. In June, 1801, Mr. Madison, as Secretary of State, drew the attention of our Minister at Madrid, Mr. Pinkney, to the subject, as one that would "deserve and engage" his "early and vigilant inquiries, and may require a delicate and circumspect management." In September of that year our Government dispatched instructions to our Minister to France, Mr. Livingston, requiring him, if "the cession from Spain to France" had "irrevocably taken place, or certainly" would "take place, that nothing should be said or done which would unnecessarily irritate our future neighbors, or check the liberality which they may be

disposed to exercise in relation to the trade and navigation through the mouth of the Mississippi;" and, in the next place, that efforts should be made to induce France "to make over to the United States the Floridas, if included in the cession to her from Spain, or, at least, West Florida, through which several of our rivers, particularly the Mobile river, empty themselves into the sea."

Among the most remarkable incidents of that day, and in striking contrast with our diplomacy of the present time, is the fact, that whilst our Government at the center, and its diplomatic agents in Europe, were tracking out the devious involutions of the negotiating Powers respecting the splendid province of Louisiana, and endeavoring to secure the prize, the British Government, as late as May, 1802, had received no intimation whatever, as Lord Hawkesbury stated to our Minister, from the Governments of France or Spain, relative to any convention or treaty for the cession of Louisiana or the Floridas. In the mean time our negotiations had been steadily going on with the French Government, and Congress passed an act, approved the 26th February, 1803, making a provisional appropriation of two millions of dollars, "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." On the 17th October, 1803, Mr. Jefferson, at a called session of both Houses, adverted to this appropriation, and announced to Congress that "the enlightened Government of France" had "seen with just discernment the importance to both nations of such liberal arrangements as might best and permanently promote the peace, interest, and friendship of both; and the property and sovereignty of all Louisiana, which had been restored to them," had "on certain conditions been transferred to the United States, by instruments bearing date 30th April last;" and that "whilst the property and sovereignty of the Mississippi and its waters became an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from collision with other Powers, and the dangers to our peace from that source, the fertility of the country, its climate, and extent, promise in due season important aids to our Treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws."

While the great measure was in progress to acquire Louisiana for an outlet to the Gulf of Mexico, and before its consummation, Mr. Jefferson had devised a plan for a minute and scientific exploration of the territory of the West, extending from the Mississippi to the Pacific. On the 18th January, 1803, in a communication to Congress, he recommended that an intelligent officer be dispatched with a few men to "explore the whole line, even to the western ocean; have conferences with the natives on the subject of commercial intercourse; get admission among them for our traders as others are admitted; agree on convenient deposits for our interchange of articles, and return with the information required in the course of two summers;" that our nation owed it to their interests to "explore this, the only line of easy communication across the continent, and so directly traversing our own part of it," that "the interests of commerce placed the principal object within the constitutional powers and care of Congress; and that it should incidentally advance the geographical knowledge of our own continent cannot but be an aditional gratification."

Congress voted the necessary appropriation, which resulted in the expedition of Lewis and Clarke, who ascended the Missouri to the falls, passed the Rocky mountains, descended by different streams until they struck the Columbia river, and followed it until they reached the Pacific ocean. All further legislative action was suspended until the 3d of March, 1853, when Congress passed a law authorizing the Secretary of War, under the direction of the President, "to employ such portion of the corps of topographical engineers, and such other persons as he may deem necessary, to make such explorations and surveys as he may deem advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean." Thus, after the lapse of half a century since that illustrious patriot originated the project of a Pacific road, Congress waked up to its importance, yet only by ordering a more thorough and scientific exploration. It is well known to the Senate and the country that I opposed explorations, believing we had information enough of the practicability of several routes, and that I then earnestly urged the passage of a railway bill. Had it been done, it is not doubted that at this time the execution of the great work itself would be under way.

Let us for a moment glance at our condition, when, under Mr. Jefferson's administration, the expedition to the western ocean was undertaken, and contrast it with the present, as an evidence of the wisdom and extraordinary foresight and energy of the statesmen of that day. We were then in political infancy, just entering into the family of nations, having a population of four millions, a defenceless frontier, and unsettled western limits; but not for a moment neglecting the popular interests, they

directed the Pacific overland route to be traversed, and that, too, when grappling hand to hand with adroit and practised diplomacy in the convulsions of Europe, and when every step they took was at the hazard of war. Now we have a population of twenty-five millions, and are at peace with the world; no open question of boundary, nothing to disturb domestic tranquillity, with science, talent, wealth, every means at command. If sound policy dictated its consideration then, does it not command its consummation now? Then our interests were in the beginning of their development; now they are expanded by the growth of fifty years. Those interests have grown and multiplied with the increase of our territory. That we may have an idea of their present and probable prospective magnitude, I will briefly review our our territorial growth from the period of the acknowledgment by Great Britain of our nationality.

By the definitive treaty at Paris, in 1783, recognising our independence, we had the Atlantic on the east; the highlands, great lakes, and forty-ninth degree parallel on the north; the channel of the Mississippi on the west; and the thirty-first degree of latitude as our southern boundary. The territorial purchase effected during the administration of Mr. Jefferson gave us the sovereignty of Louisiana, extending our boundaries from the Perdido, embracing the Island of New Orleans, and including the whole country dependent on that river and its tributaries within the limits of its coast, taking at the same time our boundary on the southwest to the Rio Grande, or Rio Bravo del Norte, embracing the territory within the present State of Texas.

By the treaty of 1819 with Spain we acquired East and West Florida, and Texas ceased to be an integral part of the territory of the United States by our taking the Sabine for a boundary; which, extending to Red river, the 100th° of longitude, along the Arkansas to its source, and thence with the forty-second parallel of latitude to the Pacific, fixed the boundary line between the United States and Spanish dominions. Texas, which had passed from the sovereignty of Spain by revolution in Mexico, having no political affinities with the form of government established in Mexico, detached herself by successful revolution, gallantly maintained her independence, and, as a sovereign State, entered the Confederacy in 1845 under the resolutions of annexation. By the treaty concluded at Washington in 1846 between the United States and Great Britain, the disputed sovereignty of Oregon, which had been held in joint occupation under the conventions of 1818 and 1827, the dividing line beween the two nations was established at the 49th parallel of latitude, running to the Straits of Fuca, and thence to the Pacific. By the treaty of 1848 at Guadalupe Hidalgo between the United States and the Mexican Republic, California and New Mexico were acquired, establishing as our boundary line the Rio Grande on the southwest, the Gila to its junction with the Colorado, and thence near the 32d° of latitude to the ocean.

The Atlantic on the east; the Pacific on the west; the Gulf of Mexico on the south; on the north the sea, or Straits of Fuca, the 49th parallel of latitude, the great Lakes the dividing line under the Ashburton treaty of 1842 to the Atlantic, constitute the outline of our present huge dimensions, containing three million two hundred and sixty thousand square miles—nearly equal to all Europe—with a seacoast of five thousand one hundred and twenty-eight miles, one-fifth the circumference of the globe.

I have thus examined this question as a *postal* measure. Yet other considerations of State more important, because immediate and indispensable, appeal to us in favor of the early completion of the work.

AS A MILITARY ROAD,

It should engage our attention as a means of protection to our citizens between the Mississippi and the Pacific. This portion of the Confederacy embraces nearly two millions of square miles, more than three-fifths of our territorial extent. The number of Indians within our limits is estimated by the Commissioner of Indian Affairs, in his last annual report, at four hundred thousand, of which eighteen thousand six hundred are located east of the Mississippi; in Minnesota, and along the frontier of the western States to Texas, comprising mostly the emigrated tribes, one hundred and ten thousand; on the plains and Rocky Mountains, and not within any of our organized Territories, sixty-three thousand; in Texas twenty-nine thousand; New Mexico forty-five thousand; Utah twelve thousand; Oregon and Washington twenty-three thousand; and in California one hundred thousand.

The contemplated railway would enable the Government to wield its military power with extraordinary rapidity and economy, and keep in check the dangerous and warlike tribes that roam along the foot of the Rocky and Nevada mountains; would reduce the public expenditures for the transportation of troops and military supplies, diminish the number and cost of Indian and other agencies, and dispense with

a host of officers which it is to be apprehended, when so far beyond the immediate surveillance of authority, would result in speculation, if not peculation and corruption.

Not only is it important in keeping the Indians in check, and preventing tragic scenes like Gunnison's and others, and affording that protection which, as a Government, we are bound to extend to the settlers who are seeking their way for homes in this great interior region, but, in case of foreign war, the subject is presented to us in such a form as, it seems to me, can leave no doubt or excuse for delay.

The Constitution of the United States was adopted by the people "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare," and its perpetuity is provided for in its own declared intention of securing the "blessings of liberty to ourselves and our posterity." Here is the indefeasible estate, and the distinct path of duty marked out to us. The measure before us is one emphatically required at your hands by those significant terms. By accomplishing it, foreign fleets and armies will in vain assail us upon the Pacific or Atlantic. From ocean to ocean this new means of communication will carry our troops and munitions of war, and enable us, by rapidity of overland communication, to use the military power with such celerity as to defy successful invasion from any quarter. The commander-in-chief at Washington could issue his orders, and move his armies with as much dispatch, from this to the other side of the continent, as did the Great Emperor in the field of his extensive operations during the wars of the French revolution. Indeed, it would do more to preserve peace with nations, more to protect us from European interference or aggression, than our army, navy, and fortifications combined, useful and necessary though they be. For these you have already expended upwards of $500,000,000 since the Government was founded, and are increasing your expenditures upon them every year, although they consume, instead of increase, your wealth and products. But this railway, whilst it would secure you against war, or render you impregnable in the event of a collision with foreign nations, would augment your means and resources every year. In case of war, how are you without it to defend California and Oregon? Where is your navy by which to accomplish such a purpose? Where are your transports, or how would they reach their destination? How would you carry troops, munitions, or supplies, over the mountains and desert that separate the Pacific from the Mississippi?

One of the great objects, most prominent among the powers conferred on the General Government, is the defense of our territory. This was not only a power conferred, but a duty imposed, which you cannot execute, so far as your Pacific possessions are concerned, without this railway. We are separated from you in peace, and in war you leave us at the mercy of any great naval or military power.

In the event of hostilities with Great Britain, France, or Russia, with our immense ocean frontier, and hostile savages in our midst, from which our policy has nearly relieved every other State but California and Texas, and without naval or coast defence, what would be our fate? Who could estimate the ruin and desolation which would ensue from our isolated and disjointed position? But with such a road as the bill contemplates, and such an increase in the army as would be proper for a war footing, and the co-operation of that standing army of two millions of freemen—the militia of the Union—which cost the Government nothing, we will stand prepared, at the shortest warning, to defend our soil and repel any aggressor. But without it, even if an oceanic communication should be effected, pursuant to the explorations now going on by American, British, and French officers, the guns of a powerful naval antagonist would command that point and intercept our passage.

The Island of Cuba, which controls both outlets of the Gulf of Mexico, would, in the hands of an enemy, intercept our transit to the Pacific, and be a point from which could be inflicted upon the whole country the deepest wounds.

Let us consider the diversified and growing interests of our constituents, who throng every avenue of human industry, and then judge of this measure in a

COMMERCIAL POINT OF VIEW.

The earth, in its fertility, in every variety of soil and climate, yields its treasures under the steady and thrifty management of our agriculturists, pouring forth hundreds of millions of its annual surplus over our wants. Our manufactories, filled with the products of all the useful and elegant arts, are ever improving under the inventive genius and taste of our people, to which there is no precedent in any age.

Look at Europe in her high state of refinement and wonderful advance in the arts of life, and see the efforts she has made to secure the best markets of the world. Let it be remembered that commerce is always an enriching, civilizing element, and that it led the nations of Europe to the establishment of colonies in the western and eastern hemispheres, by which they at once secured an immense monopoly of trade.

"Agriculture, manufactures, commerce, and navigation," said Mr. Jefferson, "are the four pillars of our prosperity."

The framers of the Constitution saw the inefficiency of the Articles of Confederation in this respect, and that undoubtedly was one of the primary causes that led to the adoption of our present form of government, which confers upon Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." No delegation of authority was more indispensable to our prosperity and greatness. From a monetary paralysis in which we were left at the close of the Revolutionary war, the nation rose in vigor and wealth, and the whole face of our relations, internal and foreign, underwent an extraordinary change.

A forcible and elegant writer upon public law has said, "the end of the law of nations is the happiness and perfection of mankind;" that "they ought to cultivate a free intercourse for commercial purposes, in order to supply each other's wants, and promote each other's prosperity;" that "the variety of climates and productions of the globe, and the facility of communicating by means of rivers, lakes, and the ocean, invite to a liberal commerce, as agreeable to the law of nature, and extremely conducive to national amity, industry, and happiness;" and that "the numerous wants of civilized life can only be supplied by mutual exchange between nations of the productions of each."

In the infancy of our national existence we struggled against every infringement of our right to traverse the ocean unobstructed, as the common property of man, and resisted any interference with the lawful pursuits of commerce. The wars of the French revolution brought us into conflict with the principal belligerents. In vindicating our dignity we suspended commercial intercourse with the European powers, and closed the ports of the Union by the embargo law, in 1807. For continued aggressions, we engaged in war a second time with England, and rallied the whole energies of the Government in defense of the honor of our flag and its absolute immunity. The great statesmen who have been successively charged with the management of our foreign relations have ever fearlessly maintained and defended our maritime rights. As candidates for a full share of the trade of the world, we have demanded participation, and we have participated, in settling the principles of public laws, which, according to our construction, look to an enlargement and enfranchisement of commercial intercourse, and the freest competition.

The claim set up by the Portuguese at the zenith of their power in the East Indies, to exclude all Europe from participation in the trade of Asia, of which for a century they once held the entire monopoly, is pronounced by Vattel "as in violation of the laws of nations, and just cause for war." Our own Government met and rebuked, in 1822, the pretensions of Russia in setting up a claim to the 51st° of north latitude on the northwest coast of America, and with it a correlative pretension to "prohibit foreign vessels from approaching the northwest coast of America belonging to Russia, within the distance of at least one hundred Italian miles. This claim was further coupled with the pretension, that as the Russian possessions on the Pacific ocean also embraced the opposite side of Asia, and the islands adjacent from Behring's Straits to the 45th° of latitude, that Government might feel authorized "to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners." Mr. John Q. Adams, then Secretary of State, in his answer of the 30th March, 1822, informed the Russian Envoy that "from the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas," and that the right to navigate them is a part of that independence;" and not only so, but, advancing beyond that position, Mr. Adams informed him that "the right of the citizens of the United States to hold commerce with the aboriginal natives of the northwest coast of America, without the territorial jurisdiction of other nations, *even in arms and munitions of war*, is as clear and indisputable as that of navigating the seas."

The diplomacy of our Government from the beginning has steadily asserted and maintained our claim to that high position which we now hold as a maritime power. The right of search, with all its odious correlatives, is virtually ended, so far as the United States are concerned. Great Britain has received decisive notice of the fixed determination of our Government on this point. Mr. Webster, when Secretary of State, in his correspondence with Lord Ashburton, in 1842, denounced it as a practice "founded on principles which we did not recognize, and is invariably attended by consequences so unjust, so injurious, of such formidable magnitude, as cannot be submitted to;" that "the distinguished person to whose hands were first entrusted the seals of" our State Department, declared that "the simplest rule will be that the vessel, being American, shall be the evidence that the seamen on

board are such;" that fifty years' experience, and other considerations, had "fully convinced this Government that it is not only the simplest and best, but the only rule which can be adopted and observed consistently with the rights and honor of the United States, and the safety of their citizens; that rule announces, therefore, what will hereafter be the principle maintained by this Government." "In every regularly documented American merchant vessel the crew who navigate it will find their protection in the flag which is over them."

Such is the proud position we now hold as a commercial people, seeking markets throughout the world, and attaining supremacy in this respect, from the abundance and value of our commodities, and the cheapness with which we are willing to supply them by our shorter and more direct means of communication.

During the wars of Napoleon, England exerted all the powers of her empire to strike the most formidable blows against that system of the French emperor which shut her out from the markets of the continent. We have no such enemy in the field to intercept our pathway to commercial greatness and power. We want the Pacific railway as a great inland communication, essential to our prosperity. Individual enterprise, fostered by State legislation, has already constructed more than 15,000 miles of railroad all over the Atlantic coast and Mississippi valley, at a cost of more than five hundred millions of dollars. These run in almost every imaginable direction, radiating from every considerable point in the Union, and bending in such diversified directions as to make them susceptible of a junction with the great continental track contemplated in this bill, at whatever point it may be commenced. The importance and value of our home trade is estimated at over $500,000,000 annually, and its prospective increase is beyond estimate. The population of the Union is now twenty-five millions. It will be fifty millions in a quarter of a century, by the natural law of increase and the steady flow of immigration. Within the limits of this immense region of public domain, lying between the Mississippi and the Pacific, if this bill becomes a law, the greater portion of this increase of population, in the twenty-five years that are to come, will, in all probability, establish their homes. It will form a great base line of connection which, in time, will be intersected in every direction by individual enterprise and capital, resembling the railway web that now stretches far and wide over the Atlantic States. Citizens in remote parts of the Republic will no longer be aliens by reason of distance and natural obstacles separating and dividing them, and which we now seek to overcome.

The laws of contact and association, like those which give to man, as an individual, the full play of his sympathies, his attachments and moral powers, will bind society together in all its parts. They will widen in their effects from the family circle to cities, counties, and States, and will be coextensive with the boundaries which embrace the American family. They will unite and bind the whole together as one great moral being, whose purposes and energies will be directed in the noble cause of progress and civilization.

The object of Columbus in his exploration over the then Western Ocean was to seek a direct route to India. On his last voyage he arrived at the Isthmus. His successors went beyond it, reaching the Pacific Ocean; and Cortez, ever alive to the importance of carrying out the expansive commercial policy of his nation, by seeking a more direct route to Asia, sought and obtained from Montezuma, and dispatched to his sovereign, Charles V., a chart of that part of the Mexican coast embracing the river Coatzacoalcos, the natural and political boundary between the present departments of Vera Cruz and Tabasco, and watering that region now known as the Isthmus of Tehuantepec. The sagacity of that great but bloodthirsty conqueror saw the necessity of an interoceanic communication, and that the interests of European trade, overcoming all obstacles, would in time open a passage from ocean to ocean. And now, after the lapse of three hundred and thirty-four years since he declared this measure as essential to trade, we find a railroad nearly completed across the Isthmus of Panama, whilst the three great maritime Powers—the United States, England, and France—are engaged in an exploration in that region, as preliminary to a consummation of the project of a ship canal, which had been entertained at a period almost coeval with the discovery of our continent.

The trade of India, centuries before the Christian era, had attracted the attention of the nations of the earth, and in every age from the opening of traffic between the East and the West, it imparted its enriching and civilizing influence to those nations which enjoyed it. The ancients who dwelt on the eastern shores of the Mediterranean, on the northern coast of Africa, and on the Red Sea, at the dawn of social organization, showed their appreciation of the purpose for which nature had provided her rivers and arms of the sea and ocean.

The earliest commercial intercourse commenced in the Mediterranean and in the Arabian Gulf, which laid open the continents of Europe, Asia, and Africa. The Phœnecians and Egyptians found means to navigate those waters, and soon a commercial spirit extending from the West reached the Indies, that land bearing its name from the supposed indefiniteness of its extent, and in every age rich in spices, tropical commodities, in pearls, diamonds, and silks, and all that can add to the luxury and refinement of the human family. The Phœnecians, inhabiting a small strip on the eastern shores of the Mediterranean, embracing the sites of Tyre and Sidon, have left a record in the sacred Book of what commerce did for them, in which they are mentioned as the "merchants of Tyre, princes, and her traffickers the honorable of the earth." Their trade extended from the Mediterranean to harbors at the extremity of the Red Sea or Arabian Gulf, where it debouches into the Arabian Sea, and from thence they worked their way until they reached the shores of India. From their harbors, near the present straits of Babelmandel, they also traded with the coast of Africa. Their commodities from the East were brought up the Arabian Gulf, and thence by overland carriage transported to the nearest port on the Mediterranean, from which, by water, they were taken to Tyre and distributed over the ancient world. It is the province of the historian, and not the political economist, to trace the expeditions of Darius and Alexander who reached the Indus, and sent back such glowing accounts of the riches and fertility of the East. Yet it will not escape the notice of the most casual inquirer what importance the great Macedonian conqueror attached to the trade of East, from the efforts he made to monopolize and wrest it from the Tyreans. After conquering Egypt, he established at one of the mouths of the Nile, as a preferable site to that of the merchants of Tyre, the city of Alexandria, which became the entrepot of commerce with India for eighteen hundred years. He examined the course of the Euphrates and Tigris, directed the cataracts that obstructed them to be removed, in order that the commodities of the East might be carried through the Persian Gulf, and up those rivers for distribution in the interior of his Asiatic dominions, whilst a portion of the Eastern trade would pass through the Arabian Gulf as the other channel by which it would reach Alexandria, and thence find its way to the remainder of the known world.

In the rise and fall of kingdoms, and until the decline and fall of the Roman Empire, the Eastern trade had been regarded as an unfailing source of wealth and power. The extension of Mohammedanism over Western Asia broke off all direct commercial intercourse between Europe and India, and the products of the East then reached the shores of the Mediterranean only by means of caravans. At the close of the fifteenth century, Europe began to arouse from the commercial lethargy of the middle ages; and quickened into life by the interchange of social elements in the wars of the crusaders, a gradual and progressive change came over the governments of that continent, and the spirit of inquiry and exploration was renewed. Yet the smallest kingdom in Europe led the way in that maritime career which changed the relations of nations and began a new era in civilization. At the dawn of the fifteenth century, the Portuguese, timidly adventuring along the northwestern shores of Africa, were driven out by a tempest to a small island adjacent to Madeira, and thence continuing their explorations by bolder enterprises, they discovered that the African continent contracted towards the east. The reigning monarch of Portugal, six years before Columbus left Spain, dispatched Diaz on a further exploration, with the object steadily in view of discovering a route to India. The Portuguese navigator reached the high promontory which forms the southern boundary of Africa and there terminated his voyage.

The success of the discoveries in the West by the Spaniards had electrified Europe; and Emanuel, who had suceeeded to the crown of Portugal, eagerly pursued the great purpose of effecting a passage by the Cape of Good Hope to the Indies, which was finally realized by the expedition of Vasco de Gama. He doubled the cape, reached the city of Melinda, on the eastern coast of Africa, near the equator, in whose harbor he found vessels trading from India, and thence pursuing his course arrived at the Malabar coast, on the Indian peninsula, where the barbarism of Africa disapeared, and the active elements of commerce were in operation. At this period the commercial prosperity of Portugal was founded, and for a century it was at the summit of its grandeur. From Malacca, which they had seized midway between the western and eastern confines of Asia, they opened trade on the west with the merchants of Malabar, Ceylon, Coromandel and Bengal, and on the east with China, Japan, the Indian Archipelago, and other portions of the Asiatic continent.

The Italian States of Genoa and Venice had risen in the middle ages to commercial wealth and power. Their maritime importance had been increased by the transit of troops and supplies in the wars of the crusaders and the interchanges

that took place. Their trade, extending to the shores of the Black Sea and the Persian Gulf, brought back to Western Europe the products of the East. The Venitians, seeing at once the ruin of their commercial prosperity by the new route, sought an alliance with the Soldan of the Mamelukes, who threatened the King of Portugal and the sovereign pontiff with the death of all Christians in his dominions unless the new route was abandoned. He fitted out a squadron in the Red Sea, and, with the co-operation of the Venitians, attempted to intercept and destroy the Portuguese. This union of the discordant elements of Christianity and Mohammedanism, to avert the fatal consequence to their prosperity in trade, resulted in ruin to them. The scepter had departed. The Soldan's fleet perished in the conflict, and the Portuguese remained masters of the India seas. The facilities of the new route enabled them to undersell all competitors, put down all competition; and the full tide of commerce, flowing to the cheapest market, carried with it all the elements of prosperity.

The Dutch, as an energetic, trading people, sought India products in the great commercial market of Lisbon; but the harbor of the Portuguese capitol was closed against them. They then unsuccessfully sought a new route by the northern seas to avoid collision; but finally, towards the close of the sixteenth century, they entered the India seas and laid the foundation of their commercial power in the east by settlement at Java, and on the islands of Nangasaki, which they hold to this day, having driven the Portuguese from the Moluccas, Japan, Malacca, and Ceylon. France and England also became competitors for this trade; the latter, arousing from the domestic discord and lassitude in which the contest between the houses of York and Lancaster had left her, began a commercial career at the commencement of the seventeenth century, when Queen Elizabeth conferred, for a limited period, upon an association of merchants in London the exclusive right of the commerce of India. With the usual energy of that extraordinary nation, now our great commercial rival, we see her, upon her entrance into this new field of trade and wealth, founding settlements upon the coasts of Malabar and Coromandel, forming establishments at the mouth of the Persian Gulf, and obtaining the control of the commerce in gold stuffs, carpets, and silks. Great Britain pursued her conquests down to modern times, when political tempests shook to its foundation the colonial system of Europe, and soon brought within her capacious sweep nearly the whole of the commercial establishments of the east. There she stands now, in all the plenitude of her power, ruling, directly or indirectly, in the east, one hundred and twenty-seven millions of people. The wealth which she has poured in upon the British Isles from the east is beyond estimate. It has made the seat of her power a city of palaces, and adorned its inhabitants with a profusion of wealth and luxury to which there is no parallel in the history of the world. It has covered the ocean with her fleets—consolidated the national power, so that, while she defied the continent of Europe in arms, it has given that strength by which she has hitherto been able to keep unbroken the chain that binds her numerous colonies, dotted around the great circle of the earth, and on which the sun never sets. It has given her means by which representatives of her strength are placed upon every sea to assert her power and defend her interests. Not only so, but she has done all that a nation could do to bring herself in the most direct communication with the great bulk of her Asiatic possessions. As shown by me in discussing this subject during the last session of Congress—and its importance justifies a repetition—she has established no less than three overland routes to India, one from Southampton down the English channel, across the Bay of Biscay, along the coast of Portugal and Spain to Gibraltar, thence through the Mediterranean, along the northern coast of Africa to Algiers, Malta, and Alexandria, Cairo, and across the Isthmus of Suez, from which, descending the Red Sea and through its straits at the southern extremity, the route lies across the Indian Ocean to Point de Galle in Ceylon, and from thence branching across the Bay of Bengal down the Straits of Malacca to Singapore, and up the China Sea to Hong Kong. From the same point in Ceylon there are steam communications on the western side of Hindostan, and along the Malabar coast to Bombay, whilst on the eastern side there is a like communication to Madras and Calcutta.

There is then another route connecting with this, from London, by the way of Folkstone, Boulogne, Paris, Marseilles, and Malta, to Alexandria. Then they have a German overland route connecting with the first by way of the Elbe, Leipsic, Dresden, Vienna, Trieste, and down the Adriatic, by the Ionian Islands, to Alexandria. There is another and still shorter route, which has engaged attention, and is proposed, being the same by which the troops of Alexander the Great returned from the Indies, by the Persian Gulf and river Euphrates, to Bassorah, at the head of the Persian Gulf, upon which the passage from Bombay to the Mediterranean can be

made in twelve days. She also proposes to connect the British East India possessions by steam navigation from Ceylon or Singapore to the Australian settlements.

But, as if not content with all these facilities, another stupendous scheme for a more direct and speedy communication with the East by railway has been contemplated, by which London and Calcutta, the capitals of the eastern and western worlds, will be brought within a week's journey of each other. The proposed route is from Calais to Ostend, thence to Cologne, through Augsburg, Lombardy, to Trieste on the Adriatic, thence along the valleys of European Turkey to Bassorah on the Persian Gulf, passing along the northern shores of that gulf through Persia and Beloochistan to the Indus, and thence to Calcutta, on the eastern coast of Hindostan. This route from London to the capital of the Bengal Presidency would be about five thousand six hundred miles in length, and, it is supposed, can be constructed in fourteen years.

Look at the measure before the Senate in contrast with what England has done to further her commercial interests, and will any one say that our Government is not as capable of extending equal benefits to our people as Great Britain is to hers? The beauty and perfection of our institutions consist in their eminent capacity for good and its general diffusion; and, under enlightened popular control, this Government cannot long be misdirected, nor remain quiescent or inactive when the public interest demands its interposition. No Senator can say that the measure is not one of the highest concern to our present interests and our future prosperity, if indeed it is not indispensable to prevent territorial dismemberment. Have the people of the United States no claims upon their Government? Shall we sit here listlessly with arms folded, virtually denying them? Or shall sectional jealousy, that destructive canker of national happiness, be suffered to paralyze and destroy our energies and usefulness, or wire-drawn political theories of power defeat this important object?

There is a point of time in the dealings of men with each other, when "forbearance ceases to be a virtue." So with the public mind aroused on a question of momentous importance, when every public man is held to a just responsibility. Recognising that responsibility, how will we stand justified before our constituents, if, by failure now in the discharge of duty, we permit a continuance of the trade of the world through foreign channels, when it is in our power to bring it under the control of our own people, whose industry and enterprise have set afloat upon our waters and upon the ocean more than eighteen thousand vessels, with nearly half a million of tonnage?

We ask in the name of our trade, domestic and foreign, that a direct means of communication be given through our own territory. The *geographical* center of the Republic is almost unoccupied and uncultivated for want of the road we now seek. Intersect it as speedily as you please by an indefinite number of highways when the public interest and business of the country require them, but give us NOW one railroad as a practical measure to begin with, and the settlement of the country will speedily be accomplished, the foundation laid for the building of many roads connecting this with all parts of the Union. For all postal, military and commercial purposes, the intervening territory between the Mississippi and Pacific now presents an impassable barrier, forcing all our intercourse through foreign territory, and placing California at a distance of seven thousand miles from New York—the time occupied in making the transit being more than double that required for European communication; whilst Egypt and Turkey may be reached sooner than our Pacific possessions. There, too, we can go by an uninterrupted voyage under our own national flag. But in going to, or returning from the Pacific, we are indebted to the courtesy of foreign Powers for the privilege of a passage, unless we undertake the voyage by Cape Horn, which we might be fortunate enough to accomplish in between two and three months by steam, or from four to six months in the ordinary sail navigation. That such a state of things can long continue, either in peace or war, is impossible.

California now points you the way to the commerce of Asia, and to secure it she asks a continental railroad, not only for her own use, but for the benefit of all, yet appealing to you in virtue of the high claims she has upon you. Already she has more than doubled your metallic capital, in pouring her golden treasures into the lap of the Union. Hold back for a single quarter of a year her returns to the Atlantic and Gulf of Mexico, and another commercial panic will involve you in speedy bankruptcy. Your stocks will fall; property will decline in value; banks perish; industry, agriculture, navigation, and manufactures will be prostrated. Go where you will, and your money, coined from her gold, will be found in every dwelling, the lowly cabin as well as the lordly mansion, in all the States and Territories. Everywhere it has stimulated your industry, and given to labor

increased employment and more ample reward. What has it done for the commerce of the country and your National Treasury? It has doubled your exports, and nearly tripled your receipts.

Look at results. Twenty-three millions of revenue from duties in 1846—nearly seventy millions from the same source in 1854. Who doubts that, with the enlarged commerce growing out of a more liberal policy, this incredible increase of revenue is mainly attributable to the yearly supply of California gold! No merchant, manufacturer, banker, or statesman of any party, will controvert this. Your receipts from customs and the sale of your public lands are increased from this swell in the volume of currency. Forty millions in the aggregate increase of your annual revenue from lands and customs are the consequence. Yet you hesitate about a reasonable appropriation—the effect of which will be to multiply a hundred fold your revenues and sources of wealth. Is this wise, just, or expedient? California furnishes the element of national prosperity in peace, and the sinews of war; yet for the want of this road you keep her in distant and dangerous isolation.

The people from the Atlantic to the Pacific, from the Lakes and the St. Lawrence to the Gulf of Mexico, demand this measure. They look to Congress during this session to lay the foundation for its commencement. If we accomplish the object, it will be in vain for Great Britain, in her efforts to maintain commercial supremacy, to carry out her scheme of a great continental railway from Halifax through British territory to the Pacific, now so warmly advocated by many of her statesmen and engineers, or to undertake her Asiatic railway from the Mediterranean, by the Persian Gulf and India, to the ports of China. But if local jealousies or sectional prejudices should defeat our present action, she will arise with renewed vigor to the prosecution of these great works, and new avenues of trade will secure to her the undisputed command of the commerce of the world. It is a question between London and New York, between Calcutta and San Francisco, between England and America, by land and sea for the supremacy, and we surrender it, without an effort, to our great rival, if we now fail in the performance of duty.

Do not defeat this bill by any illiberal, parsimonious policy which would provide means inadequate to the undertaking, and subject it to sneers, as theoretical, inefficient, and leave it a dead letter on the statute-book; nor embarrass it by throwing the apple of discord among us in regard to different routes; nor weigh it down by overloading it in the form of several projected routes at a time, as if one was not stupendous enough to engage all our energies, until population, the increase of trade and commerce in this new channel, had so far advanced as to show their necessity. No intelligent business man ever intentionally met a demand by a redundant supply; but, on the contrary, the latter is always regulated by the former. This is a too well established doctrine of political economy to be denied. The foundation and growth of cities and of nations, ancient and modern, rest upon it. On this same principle, within the present half century, steam navigation and the railway began with us—the one with a single vessel, the other with a single route. Now more than three thousand steam vessels float upon American waters alone; and our lines of railway are equal in length to two-thirds the circumference of the globe. We run no risk, from the very outset, of monopoly or imposition in the construction of a single route, for already we have our splendid clipper ships making quick passages around Cape Horn, and our steam routes by the Isthmus to the Pacific, which will be uninterrupted in time of peace, and afford an active and healthy competition, making it an object with all concerned to cheapen the tolls of their several routes.

In seeking the Asiatic, and especially the Chinese trade, which has been coveted by every civilized nation that has preceded us as a source of affluence, we resort, not like our great commercial rival, to the strong arm of power, to coerce a trade in poison to the amount of twenty-five millions of dollars annually, but to deal with them by an interchange of commodities for the benefit of all. Since the war between Great Britain and China, in 1842, which resulted in opening the five ports to foreign trade, our commerce has rapidly increased, until now it reaches annually from sixteen to seventeen millions of dollars, employing two hundred vessels. Who can estimate its increase and effects upon our ship-yards, and the business of our commercial cities and depots throughout the country, if this bill should become a law?

Our recent acquisitions on the Pacific have revolutionized our commercial relations with the world. What to ancient, and even to modern Europe was "India *beyond* the Ganges" is "India *within* the Ganges" to us. In creating this new route, more important to us than the Portuguese discovery of the route around the Cape of Good Hope was to them, the question of maritime ascendency will no longer be in doubt. The trade of Asia and the Indies will pass over it through the center of

the North American continent, and its stimulating influence in settlements, not only along the route, but spreading all over the vast region between the Mississippi and the Pacific, will be incalculable; whilst its enriching benefits will pervade and invigorate every department of the social system, and impart a strength and power to our Government that will defy all opposition or resistance.

I have thus briefly and most imperfectly referred to the commercial considerations which commend the subject to our attention. If time were allowed to enforce them, a picture could be presented of the greatness and glory of the Republic, the result of these vast commercial advantages, to which no legislator could shut his eyes. Napoleon, when no longer the Emperor, but the philosophic statesman and dispassionate observer at St. Helena, discoursing upon the purpose of government, and in special reference to our country, said: "Look at the United States, where, without any apparent force or effort, every thing goes on prosperously; every one is happy and contented; and this is because the public wishes and interest are, in fact, the ruling power." "Place the Government," said he, "at variance with the will and interest of its inhabitants," and then, as he contemplated such an event, he drew a picture of the mischief that would follow.

This measure is one not only involving the diversified interests which I have presented to the Senate, but requires to be examined as to its

POLITICAL EFFECT UPON THE COUNTRY.

The duty imposed upon us to maintain and preserve our territory in its utmost extent is not to be denied. No man will confront the American people, hesitating or intimating a doubt on this point. Our institutions, in their very nature, are expansive and progressive.

The Pacific coast and important islands of Polynesia have at different times been the object of desire and envy of European States. Captain Beechy, of the Royal Navy, examined the port of San Francisco, and reported it to be of immense compass, "sufficiently extensive to contain all the British Navy," having excellent harbors and anchorages, and surrounded by a country varied by hills and valleys. In 1840, the British captain, Belcher, was also charged with the careful examination of the harbor; and at the same time the Hudson's Bay Company, relying on the support of the British Government, stretched her line of forts towards this territory, in the hope that negotiations which had been commenced in London for a cession of Mexican territory, in satisfaction of the English debt, would result in the acquisition of California. The views of England respecting the Sandwich Islands have been well known. In 1788, Captain Meares, of the English navy, did not hesitate to declare that the inhabitants of those islands would, one day, be ranked among British subjects. In the year 1843, under the pretext of redress of grievances, and the prosecution of existing claims, Lord Paulet took possession of these islands. The energetic interposition of our government resulted in the disavowal of the act by Lord Aberdeen, as communicated by the British Envoy, Mr. Fox, to Mr. Upshur, our Secretary of State; and the British commodore, Thomas, hauled down the British flag in the summer of the same year, and restored King Kehama the Third to all his functions.

The importance of the Sandwich Islands as intermediate points between the Russian Asiatic and Russian American possessions attracted, in 1812, the attention of the Imperial Company of St. Petersburgh. In that year, Baranoff, the governor of Russian America, founded a settlement at the port of Bodega, on the Californian coast, and sent a ship to Honolulu to establish a factory. In 1814, he renewed his efforts to open commercial relations, and repeatedly afterwards, but his attempts were discouraged, and finally proved abortive.

The port of San Francisco has ever been regarded as the key to the northwest coast of America and the Pacific ocean. "The future of these islands," says a profound observer once connected with the French Legation in Mexico, "is ultimately bound to that of California; and the nation which will become the mistress of the one ought to possess the other; they seem, in fact, designed as a rallying point for vessels of every description that furrow the Pacific ocean north of the equator, placed, as they are, between California, the contested Territory of Oregon, the northwest coast, Russian America, and the numerous archipelagoes of the great ocean and of Asia." These islands, it will be remembered, lie in a direct line, or nearly so, between San Francisco and Hong Kong, and in the 20th° of north latitude, being the parallel of the Island of Cuba.

During the last forty years, our Government, reflecting the public will, has been alive to the importance of commercial position and ascendency on the Pacific. So impressed with this fact was the Spanish Minister at Washington, that in a dispatch of the 1st April, 1812, to the Viceroy of Mexico, he forwarned that functionary to be on his guard and arm the frontiers, as the Government of the United States proposed

to fix its limits at the mouth of the Rio Bravo del Norte, and ascend to the 31° of latitude, and then draw a line direct to the Pacific, which would bring Upper California into the American Union. During the presidency of General Jackson, Mr. Forsyth, in his dispatch of the 6th August, 1835, to the United States Charge d'Affaires in Mexico, instructed him to treat for a line that would give us the harbor of San Francisco, with an offer of five millions for it; and Mr. Calhoun, as Secretary of State, sent in 1844 a secret messenger to the President of Mexico with an offer of ten millions for this harbor. The sequel of public events which finally led to our acquisition on the Pacific is before the world.

Recent negotiations foreshadow, and the law of political affinity seems to indicate, the period as not far distant when Sonora and Lower California, with an aggregate area of over two hundred thousand square miles, and two thousand nine hundred of seacoast around the peninsula and along the main land, will be embraced within the boundary of the Union.

The obligation upon the political departments in the exercise of legislative powers to bind together this nation is a solemn and paramount obligation. This measure appeals to us in this point of view, and from the responsibility of neglect, indifference, or delay, we cannot escape before the tribunal of public opinion.

If California were some distant, dreary region, like the Orkney or Shetland islands in the mists of the Northern ocean, or some barren strip of land unfit for culture, and shut out from commerce, still, as a part of the territory of the Union, your political power must reach it.

The principle established by those who founded and matured the institutions they have bequeathed to us as a sacred trust, and for which they staked their fame forever, was, that not an inch of the territory of the republic should be disintegrated or dissevered. For this, the mistress of the world battled in the days of her glory, and maintained it until she sank under an accumulation of social disorders and the wounds which misgovernment had inflicted. It was to maintain this principle, that induced Washington, amidst thickening misfortune, to declare that he would never give up the contest for the independence of the United Colonies, or the territory they claimed, even if driven to the fastnesses of the Alleghany mountains.

If there was nothing attractive in our Pacific possessions, and they were valueless in all that makes the earth valuable to man, yet as a part of our territory you are bound to defend them. But in contrast with sterility, or even the fairer portions of our other States, what a picture does California present! Look at her in her immense proportions. Stretched out on the shores of the western ocean, with a line of seashore equal to one-half of the whole extent of the Atlantic coast, and an area of one hundred and eighty-eight thousand nine hundred and eighty-one square miles, equal to one hundred and twenty million nine hundred and forty-seven thousand eight hundred and forty acres—more than four times the area of the State of New York; and capable, from her commercial position, and agricultural and mineral resources, of maintaining a population equal to that now held by the whole American Union. With the coast range of mountains, in its beautiful undulations from lofty summits to irregular hills on the west, and the snowy mountains and Colorado river on the east, and Lower California on the south, its centre intersected by the rivers Sacramento and San Joaquin, (whose magnificent valleys alone contain millions of acres of the most fertile soil,) stretching near the entire length of the State, each flowing a distance of some three or four hundred miles in contrary directions from the north and from the south, and uniting in the same estuary to discharge their waters into the bay of San Francisco, dug out, as it were, by the hand of nature herself, for the noblest of human purposes.

Here we have a harbor and port, the natural receptacle of the produce of our extensive valleys, and at no distant day to be the Pacific seat of trade, and an equipoise to the Atlantic emporium. It will be the entrepot and storehouse to which the coasts of the Western ocean, of Northwestern America, and of Asiatic r gions, will send their products. From this common center of trade will be furnished in exchange the grain and other of our products required for subsistence by the people of the southwestern coast of the Mexican and Central American States, down to the Equator to Peru, to the southwestern coast of Asia and islands of ths Polynesian group. The serenity and mildness of our climate, the mammoth growth of our vegetation, the capacity of our soil for wheat and the smaller grains, extending its adaptation also to the vine give advantages not surpassed, if equaled, within the limits of any one of the States of the Union. A few short years age she was held by a sparse and apathetic population of some few thousand souls, with limited wants, and these almost supplied spontaneously by nature. From the moment the American flag arose upon her hills the scene was changed. Western settlers entered her limits—those pioneers

whose strong hands and patriotic hearts have everywhere laid the deep foundations of our prosperity. Aptahy in California ceased and was succeeded by the activity of industrial pursuits. The golden discoveries were first made in seeing a few glittering particles sparkling in the sunlight in a mill-race on a fork of the American river, a tributary of the Sacramento. This discovery was followed up in our rivers, which, rushing from the Nevada chains, liberate and sweep down to their beds the hidden treasure, and point the way to the sources of mineral wealth, hitherto illimitable in extent, and exhibiting no signs of exhaustion. The opening, expanding veins of our rocky structure have been reached, and their golden deposits unfolded by the ingenuity and enterprise of that indomitable band of immigrants, whose tireless energies mock at all difficulties and defy all obstacles. The rush of immigration extended, energy and enterprise flocked to our shores. Labor, that makes man what he is, and without which gold is as valueless as the dust of the earth, did its work. Industry, that "intangible, abstract commodity," directed our energies, and we rose in the full proportions of a sovereign State, unprecedented in growth, and unexampled in its career in the history of nations.

Her mineral discoveries, which the press had announced from one end of the globe to the other, until the news even penetrated the isolation of the Chinese dominion, were first looked upon as oriental fictions, then doubted, then believed, and finally realized beyond all anticipation.

In 1820 we had a metallic currency in the United States, according to Mr. Gallatin's report in that year, of *thirty-two million five hundred thousand dollars*. The products of all the mines in the Union, from that year until 1848, furnished an additional sum of *twelve million seven hundred and forty-one thousand siv hundred and forty-seven dollars*, being an average annual yield of between *four* and *five hundred thousand dollars*. Our net specie imports over our exports for that period were *eighty-two million eighty-six thousand four hundred and sixty-one dollars*; and immigrant supplies, at an average of *a million* a year, gave us *twenty-seven million*, making an aggregate of specie in the United States at the beginning of the year 1848, of $154,328,108. In that year the aggregate products of the mines of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and New Mexico, fell below the general average I have stated, having only reached about *two hundred thousand dollars*, to which California, just then beginning to open her treasures, contributed an additional sum of more than one-fifth the product of all our mines at that time. She has, since that period, increased her product in almost a compound ratio, until her annual contributions to the metallic currency are *one hundred million*, being two and half times greater than the aggregate average annual yield between the years 1829 and 1848, of the Uralian, Mexican, Peruvian, Bolivian, Chilian, and, in fact, of all the mines in the world together!

Look back at the commercial crisis at different periods of our history, and especially those within our recollection, from 1837 to 1840, when we suffered from a drain of our then very limited supply of the precious metals, and reflect upon the disasters which pervaded the country in every department and business of life. What is it but the gold of California that has held in equipoise our commercial balance, and furnished us with a redundant supply of bullion, notwithstanding the immense expansion of our trade and increased importations, whilst at the same time it has imparted wide-spread prosperity over the face of the whole country, by which mendicity has virtually been extinguished within our borders?

Did she clutch at and hold this massive treasure for her own benefit? No; she sent it back to your constituents; she dispensed it all over pour territory. It reached your manufacturers of New England; it found its way to your farmers of the middle and western States, and to the cotton, rice, and sugar planters of the South; it gave unexampled activity to your workshops in every nook and corner of the land; it increased employment in your dock-yards, and gave new impetus to your shipping interest, until the stimulating influence was felt in the nerves of your industrial system.

We now come before you asking an appropriation, for the construction of this new means of intercommunication, indispensable not only to consolidate us at home, but to guard against the shock of foreign war, and consequent danger of political disembarkment.

The measure, Senators, is one demanding your serious consideration. For the maintenance of our claims upon Mexico, we expended far more than double the cost of the project before us. To recover and retain any fraction of territory within this Confederacy, we would exhaust the treasure of the covntry, and place posterity under tribute for centuries to come.

Rome, after the lapse of centuries from her foundation, and in the peaceful reign of the Antonies, claimed the proud distinction that one hundred and twenty mil-

lions acknowledged her laws—a decree of population probably exceeding modern Europe in the eighteenth century, and supposed by an enlightened historian to be "the most numerous society that has ever been united under the same system of government." A people whose cities were connected by public highways issuing from the seat of empire, traversing Italy, pervading provinces, and terminating only with the frontiers, forming a great chain of communication from the wall of Antonius to the capital, thence to Jerusalem, and stretching in distance over four thousand Roman miles.

Senators: Our progress as a nation has comparatively but begun; the immeasurable future lies before you. It is for us to do our part as patriots and legislators, under the mandates of the Constitution, to devise those means which will overcome geographical separation, and give unity to every part of this ocean-bound republic.

By the natural law of increase, aided by a swell of immigration which the shock of European war and the reconstruction of nationalities will send to our shores, the new century that approaches, even though we are yet in the springtide of national existence, will find within our limits, now greater, in territorial extent than Imperial Rome, a population equal to what she possessed in the zenith of her glory, after the growth of a thousand years.

Let the measure under consideration be consummated, and an act vital to the integrity of our territory and to the perpetuity of our undivided Union, will have been accomplished; and then, as a united people, WHO CAN PREDICT OUR FUTURE DESTINY?

THURSDAY, APRIL 8, 1858.

The Senate having under consideration, as in Committee of the Whole, the bill to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Mississippi river to San Francisco, in California—

Mr. GWIN said:

Mr. PRESIDENT: * * * * Whether the road should approach the Pacific on the forty-first, thirty-fifth, or thirty-second parallel of latitude, it can with great facility be connected by railroad with the principal commercial marts on the Atlantic, north and south, by roads built, building, and projected, as will appear from the following table, taken from Pacific Railroad Surveys, vol 1, page 32:

Distances of the eastern termini of the several Pacific railroad routes to the Mississippi river, Boston, New York, Charleston, and New Orleans, by railroads built, building, and projected, as measured on the "railroad maps."

	Miles.
1. St. Paul to Boston	1,816
to New York	1,190
to Charleston	1,193
to New Orleans	1,198
Aggregate	4,897
2. Council Bluffs to Rock Island (Miss. river)	267
to Boston	1,347
to New York	1,252
to Charleston	1,195
to New Orleans	1,075
Aggregate	5,163
3. Westport, mouth of Kansas, (near Fort Leavenworth,) to St. Louis, (Miss. river)	245
to Boston	1,415
to New York	1,220
to Charleston	1,045
to New Orleans	875
Aggregate	4,800
4. Fort Smith, on the Arkansas, to Memphis (Miss. river)	270
to Boston	1,540
to New York	1,345
to Charleston	950
to New Orleans	665
Aggregate	4,770
5. Fulton to Gaines (Mississippi river	150
to Boston	1,530
to New York	1,385
to Charleston	950
to New Orleans	402
Aggregate	4,367

I will also give a brief synopsis, from official documents, of the routes terminating at San Francisco which have been surveyed by the United States engineers. The route on the forty-first parallel ascends the valley of the Platte river and its tributaries, rises to the great plateau upon which Fort Bridger is situated, more than seven thousand feet above the level of the sea, and, by the South Pass or by the Cheyenne Pass, crosses the great interior basin at its widest point. After passing the divide of the Sierra Nevada, by the Madelin or Noble's Pass, it descends to the Sacramento valley.

The most serious difficulty of construction on this route is along the Pitt and Sacramento rivers, where, for the distance of one hundred and twenty-five miles, they run through a mountainous region with precipitous banks, which would make the expense of constructing a railroad very great; but further explorations may discover a more practicable and economical entrance to the Sacramento valley. The length of this route, from the mouth of the Platte river to Benicia, in California; is two thousand and thirty-two miles; the estimated cost of construction is $116,000,000. From the

mouth of the Kansas to Benicia is two thousand one hundred and sixty miles; and the additional cost will be $3,000,000. If it should pass by Oroville, Marysville, Sacramento, Stockton, and the southern extremity of the bay of San Francisco, to the city of San Francisco, both the distance and the expense of construction would be greater. The route on the thirty-eighth parallel, by the Cochatopa Pass, may be considered impracticable, from the enormous cost of construction of the five hundred miles between the tributaries of the Rio Grande and the Great Basin.

The Cimarron route, leaving Westport, crosses the Arkansas river near Fort Atkinson, passes along the Cimarron river, and unites with the route of the thirty-fifth parallel, near the headwaters of the Picos river, or before descending to the Rio Grande. By this route, the distance from the mouth of the Kansas to San Francisco is two thousand one hundred miles, and the estimated cost of construction $106,000,000. The length may be reduced, as explained in the remarks on the route on the thirty-fifth parallel, ninety miles, and the cost of construction will be four or five million dollars less. The route on the thirty-fifth parallel follows, as near as practicable, the interlocking tributaries of the Mississipi, Rio Grande, and the Colorado of the West. The length of this route, from the mouth of the Kansas river to San Francisco, is two thousand one hundred and eighty miles, and the estimated cost of construction $108,000,000. It can probably be shortened ninety miles by a route not yet surveyed by the United States engineers, but believed to be practicable by the exploring officer, and the cost of construction reduced four or five million dollars.

The characteristic features of the route on the thirty-second parallel are the low elevation of the mountains and their passes, and the great extent of the table lands it traverses. It enters the valley of the Rio Grande by El Paso, crosses to the Gila, descends that stream to the Colorado river, crosses the plain known as the great Colorado basin, and reaches San Francisco by two very favorable routes—one near the coast, and the other by the Tulare valley. The length of this route from the mouth of Kansas river to San Francisco is two thousand two hundred and twenty miles, and its estimated cost $95,000,000. The Pacific ocean may be reached at shorter distances by branches from this route to San Diego and San Pedro. The distance on this route being but little greater than that on the thirty-fifth parallel, is thus explained. From the mouth of the Kansas it has a direction a little west of south, passing near Fort Arbuckle and the headwaters of the Colorado of Texas. From the crossing of the Red river it is coincident with the line generally known as the El Paso route, nowhere following for any considerable distance the meandering course of rivers, but passing over, in direct and straight lines, the extensive plains that form its peculiarity. It is of but little greater length than the route north of it which has the same termini. That route, (on the 35th parallel,) in a large part of its course, passes along the banks of rivers and through a mountain region more rugged and elevated than the district a few degrees further south.

The great difficulties to be encountered in the construction of a railroad to the Pacific will be met with between the ninety-ninth meridian—where, it is supposed, the so-called uncultivable region begins—and the Pacific slope of the Sierra Nevada and coast range of mountains. Throughout this great uninhabited district, the differences between the extent of arable land, quantity of water, fuel, and timber, found on the several routes, are not such as to form an important element in the consideration of the greater or less degree of practicability of constructing and working a railroad. The great differences between the practicability and economy of the routes are to be found in the character of the surface of the ground, in the length of the routes across this uninhabited belt which all must cross, and, lastly, of the difficulties of climate. In the following table, besides containing other and valuable information, the extent of this uninhabited district is stated on all the routes which I have presented to the Senate. [*See table on page* 36.]

In the preparation of this table, one important fact must have escaped the scrutiny of the scientific gentlemen who prepared it. It is this: that the Great Colorado basin, included in this so-called uncultivable region, has been proved by those very surveys, and others made under the direction of the surveyor general of California, to be one of the richest in soil on the continent. It is mainly below the level of the Colorado river, which renders its irrigation easy and practicable; and when thus reduced to cultivation, its fertility will not be surpassed by the celebrated valley of the Nile. In support of this fact, I will quote further from the Pacific Railroad Report:

"An analysis of the soil of the alluvial portion of the Colorado desert, which covers an area of four thousand five hundred square miles, and is four times greater in extent than the land under cultivation on the Mississippi river, between the mouth of Red river and the Balize, shows that it has all the elements of great fertility, and, but for the adverse climatic conditions, would rival in its productions the best lands of the delta of the Mississippi. According to the barometrical levelings of Lieutenant Williamson, the alluvial portion of this plain is lower than the surface of the Colorado river; and should this be confirmed by more accurate modes of leveling, as there is almost every reason to believe it would be, an extensive system of irrigation would entirely change the character of its surface by the introduction of water, the only element required for great productiveness. About one-half of the Colorado desert is within our territory."

This will reduce the extent of this so-called uncultivable region from one to two hundred miles on the route on the thirty-fifth and thirty-second parallels, and to this extent tend to remove the impression on the minds of many friends of this great measure, that it will be impossible to build a road over this great uninhabited territory, and that it could not sustain sufficient population to keep up the road after it was constructed. It should also be borne in mind, that these estimates in the report of this sterile region extend to the Pacific coast, when it is known that there is no more productive country in the world

than the region between the Sierra Nevada and coast range of mountains and the Pacific ocean. In bringing the reports of the engineers to the notice of the Senate, I do not wish to be understood as acquiescing in their views as to this uncultivated region. Their theory, I believe, practice will demonstrate to be delusive. I well remember when some of the richest lands in the world, and proved to be such by being the most productive, were, but a few years ago, by everybody in California, called poor and worthless. I believe that the greater portion of this so-called uncultivable country has fine agricultural capacity, capable of sustaining a dense population, and is not surpassed in mineral wealth by any portion of the continent.

Mr. President, I have refrained from touching upon the vital interests of the country involved in the passage of this bill. I leave that task to other Senators more able to do justice to the subject, and whose duty it may be to give their views at large so as to be placed right before their constituents. I have no speech to make for home consumption. My constituents are awaiting our prompt action upon this bill with an earnestness and intense anxiety that I shall not attempt to describe. Upon its passage depend our happiness, prosperity, and greatness as a people. Without it, our future is dark and gloomy. Having, on many former occasions, given my views at large on the merits of this great question, I have confined myself on this occasion to a statement of the contents of the bill, and a reference to the sources of information upon which the committee based their action in reporting it to the Senate, which leave no doubts on my mind, that if it becomes a law it will insure the building of the road on one of the three routes indicated, the construction of a railroad on either being in my opinion entirely practicable.

Monday, December 13, 1858.

The Senate having resumed the consideration of the bill (S. No. 65) to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, and all other Government service, by railroad, from the Missouri river to San Francisco, in the State of California—

Mr. GWIN said:

Mr. President: As chairman of the Select Committee which matured this bill and instructed me to report it to the Senate, I am called upon to open this discussion and invoke the grave and earnest deliberation of this body in its action upon a question so replete with the most vital interest to the Confederacy. In again pressing this measure to, as I hope, a final and successful vote, I claim the indulgent ear of the Senate for the manner in which it presents itself, as well as by the peculiar relations I hold to it.

This is the first Congress that has assembled since the great Presidential contest of 1856. Three parties contended, in that memorable struggle, for the control of the political destinies of this country.

The Democratic party, represented in national convention at Cincinnati, in June, 1856, adopted the following resolution:

"*Resolved*, That the Democratic party recognise the great importance, in a political and commercial point of view, of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the Union, and that it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object, thereby binding the Union of these States in indissoluble bonds, and opening to the rich commerce of Asia an overland transit from the Pacific to the Mississippi river and the great lakes of the North."

The Republican party also met in convention in June, 1856, in Philadelphia, and passed the following resolution:

"*Resolved*, That a railroad to the Pacific ocean, by the most central and practical route, is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad."

The Presidential nominees pledged themselves to the policy of building a railroad connecting our Atlantic and Pacific possessions with the aid of the General Government. I will not detain the Senate by reading the letters of the defeated candidates of the Republican and American parties, but I will read that of the present Chief Magistrate, as a brief, but one of the most powerful arguments in favor of this great measure, that has ever been penned:

Wheatland, *September* 17, 1856.

Sir: I have received numerous communications from sources in California entitled to high regard in reference to the proposed railroad. As it would be impossible for me to answer them all, I deem it most proper and respectful to address you a general answer in your official capacity. In performing this duty to the citizens of California, I act in perfect consistency with the self-imposed restriction contained in my letter accepting the nomination for the Presidency, not to answer interrogatories raising new and different issues from those presented by the Cincinnati convention, because that convention had itself adopted a resolution in favor of this great work.

I then desire to state briefly, that, concurring with the convention, I am decidedly favorable to the construction of the Pacific railroad, and I derive the authority to do this from the constitutional power "to declare war," and the constitutional duty "to repel invasions." In my judgment, Congress possesses the same power to make appropriations for the construction of this road, strictly for the purpose of national defense, that it has to erect fortifications at the mouth of the harbor of San Francisco. Indeed, the necessity, with a view to repel foreign invasion from California, is as great in the one case as the other. Neither will there be danger from the precedent, for it is almost impossible to conceive that any case, attended by such extraordinary and unprecedented circumstances, can ever again occur in our history.

Yours, very respectfully, JAMES BUCHANAN.

To E. F. Washington, Esq., Chairman Democratic State Central Committee, California.

The President did not stop here in his advocacy of Government aid in the construction of this great work. In his inaugural address, after referring to the constitutional authority which he makes so clear that no man can successfully combat it, he says:

"Now, how is it possible to afford this protection to California and our Pacific possessions, except by means of a military road through the Territories of the United States, over which men and munitions of war may be speedily transported from the Atlantic States to meet and repel the invader?"

And adds:

"It might also be wise to consider whether the love for the Union which now animates our fellow-citizens on the Pacific coast, may not be impaired by our neglect or refusal to provide for them, in their remote and isolated condition, the only means by which the power of the States on this side of the Rocky Mountains can reach them in sufficient time to protect them against invasion."

He further enlarged on this pledge to the nation in his *inaugural* address, in the following emphatic language, in his first message to Congress:

"Long experience has deeply convinced me that a strict construction of the powers granted to Congress is the only true as well as the only safe theory of the Constitution. Whilst this principle shall guide my public conduct, I consider it clear that under the war-making power Congress may appropriate money for the construction of a military road through the Territories of the United States, when this is absolutely necessary for the defense of any of the States against foreign invasion. The Constitution has conferred upon Congress power 'to declare war,' 'to raise and support armies,' 'to provide and maintain a navy, and to call forth the militia to 'repel invasions.' These high sovereign powers necessarily involve important and responsible public duties, and among them there is none so sacred and so imperative as that of preserving our soil from the invasion of a foreign enemy. The Constitution has therefore left nothing on this point to construction, but expressly requires that 'the United States shall protect each of them [the States] against invasion.' Now, if a military road over our own Territories be indispensably necessary to enable us to meet and repel the invader, it follows as a necessary consequence not only that we possess the power, but it is our imperative duty to construct the road. It would be an absurdity to invest a government with the unlimited power to make and conduct a war, and at the same time deny to it the only means of reaching and defeating the enemy at the frontier. Without such a road it is quite evident we cannot 'protect' California and our Pacific possessions 'against invasion.' We cannot, by any other means, transport men and munitions of war from the Atlantic States in sufficient time successfully to defend these remote and distant portions of the Republic.

"Experience has proved that the routes across the isthmus of Central America are at best but a very uncertain and unreliable mode of communication. But even if this were not the case, they would at once be closed against us in the event of a war with a naval Power so much stronger than our own as to enable it to blockade the ports at either end of these routes. After all, therefore, we can only rely upon a military road through our own Territories; and ever since the origin of the Government, Congress has been in the practice of appropriating money from the public treasury for the construction of such roads.

"The difficulties and the expense of constructing a military railroad to connect our Atlantic and Pacific States have been greatly exaggerated. The distance on the Arizona route, near the thirty-second parallel of north latitude, between the western boundary of Texas, on the Rio Grande, and the eastern boundary of California, on the Colorado, from the best explorations now within our knowledge, does not exceed four hundred and seventy miles, and the face of the country is in the main favorable. For obvious reasons, the Government ought not to undertake the work itself, by means of its own agents. This ought to be committed to other agencies, which Congress might assist, either by grants of land or money, or by both, upon such terms and conditions as they may deem most beneficial for the country. Provision might thus be made not only for the safe, rapid, and economical transportation of troops and munitions of war, but also of the public mails. The commercial interests of the whole country, both east and west, would be greatly promoted by such a road, and, above all, it would be a powerful bond of union. And although advantages of this kind, whether postal, commercial, or political, cannot confer constitutional power, yet they may furnish auxiliary arguments in favor of expediting a work which in my judgment is clearly embraced within the war-making power.

"For these reasons I commend to the friendly consideration of Congress the subject of the Pacific railroad, without finally committing myself to any particular route."

His recent message goes even further than his previous declarations in favor of this great measure.

I have been thus particular in bringing before the Senate the solemn pledges of the Democratic national convention and the Democratic President, in favor of the construction of this great national highway, because this body contains a large majority of the members of that party. But when I look round this Chamber, I see no member of the Senate who was not an earnest advocate of one of the three nominees for the Presidency in 1856, who did not then, and who does not now, profess allegiance to the parties which contended for supremacy in that contest, and whose party fealty, if not official honor, does not require at least his earnest consideration of this important measure. On this side of the Chamber, among my Democratic associates, I see the men who led the columns of the Democracy in this last great contest in the popular forum, and I cannot but entertain the hope that, by their efficient co-operation, in the language of the resolution of the Democratic national convention, "the whole constitutional power of the Government will be exercised" to build the Pacific railroad.

It is not by the volition, merely, of any one Senator, that this measure is called up before you; but as one of the great popular issues submitted to, and decided on favorably by the verdict of the people in 1856, it now presents itself for judgment. Therefore, without arrogating to myself any special credit in pressing for early action on this question, I nevertheless occupy peculiar relations to it, which will justify what may seem to be importunity on my part. It is now seven years since I gave notice to the Senate of my intention to introduce a bill for the construction of the Pacific railroad. I was a member of the Committee on Territories when its chairman, the Senator from Illinois, [Mr. Douglas,] more than six years ago, under instruction from that committee, reported the first bill in favor of building the road. I have, on four occasions, been a member, and three times chairman, of select committees appointed by the Senate to consider the subject. The late lamented Senator from Texas, [Mr. Rusk,] than whom this great project never had a truer or more efficient friend, as chairman of the first select committee, reported a bill which would have passed the Senate by the change of a single vote only, and at a time when we had the certain assurance of its passage through the other House.

The wisdom of our fathers, inspired as I believe they were in their labors, framed

this Government with so many nicely-adjusted checks and balances, that the greatest measures ever considered in Congress have often been decided by a single vote; and I cannot contemplate, without a pang of regret, that the most disastrous consequences may result to this country from the want of one vote on that occasion. Four years ago, a bill reported by me, as chairman of a select committee, was more successful, as it passed this body; but, owing to either treachery or bad management in the other House, it failed to become a law.

If the necessity and beneficent effects of this measure were a matter of doubt, I should hesitate in thus earnestly urging action upon it; but is there a Senator who will rise in his place, and say that the construction of this road would not insure military protection, and add to the greatness and glory of the Republic? The bitterest enemies of this measure in this body acknowledge it. Even the Senator from Virginia, [Mr. Mason,] in his speech against this bill, at the last session, admits that the building of this road "is a desideratum," and that "it would be fraught with great and beneficial results to the country if built."

This being admitted, I shall proceed to consider the most plausible objections to this bill. It is contended, first, that Congress has no constitutional power to enact such a law; and secondly, that the advance of money or credit by the Government in aid of the road will be enormous.

These are the general objections urged by those who oppose Government aid in any form, while other and more formidable difficulties exist among the friends of the measure, growing out of sectional and local interests.

The Senator from Virginia, [Mr. Mason,] whom I look upon as the most determined of all the opponents of the bill, says that the "Government is authorized to establish post offices and post roads, and to carry the mails, but it has no further authority on that subject." This bill does not propose that the Government shall build a road, or take stock, or give money to build a road.

That the Government has a right to provide for the carriage of the mails is not denied, but the difficulty raised is, whether it can contract to have the mails carried in a certain manner. Now, this bill is founded on the principle, that the Government has the power to contract for the transportation of the mails, and prescribe the mode. Such has been the practice since its organization. Congress directed that the mails should be carried on foot or on horseback, in a stage or a wagon, in the first law establishing post offices and post roads, passed the 26th of February, 1792. The same power was again conferred on the Postmaster General by the acts of May 8, 1794, and of April 30, 1810. Afterwards, as steamboats became the most rapid means of conveyance, authority was given by the act of 3d March, 1825, to the Postmaster General, "to have the mail carried in any steamboat or other vessel which shall be used as a packet."

But as coaches succeeded post-riders, and steamboats followed, so at last were railroads brought into competition with, and, whenever possible, superseded steam vessels. By the act of July 7, 1838, it was declared "that each and every railroad within the limits of the United States, which now is, or hereafter may be, made and completed, shall be a post route; and the Postmaster General shall cause the mail to be transported thereon," under certain conditions.

By the act of July 2, 1836, it was made the duty of the Postmaster General, "before advertising for proposals for the transportation of the mails, to form the best judgment practicable *as to the mode, time, and frequency of transportation* on each route, and to advertise accordingly."

It will thus be seen that it has been the practice of the Government from its origin, to authorize contracts to be made for the conveyance of the mails, so that they might be transported in such manner as the Postmaster General might elect.

But the honorable Senator from Virginia [Mr. Mason] is fruitful in objections. He not only intimates that Congress has no power to authorize the President to contract for the transportation of the mails by railroad to the Pacific, as contemplated by this bill, but he says, "it is intended to invite, upon the bonus held out by the bill, operators from some quarter to construct the road;" and here is "the commencement of a new policy on the part of this Government." The argument is unfortunate for the Senator, as among the very first acts of Congress on this subject, approved the 3d of May, 1802, it is declared in its third section:

"That for the better and more secure carrying of the mail of the United States on the main post road between Petersburg in Virginia and Louisville in Georgia, the Postmaster General shall be and he hereby is authorized and directed to engage and contract with private companies or adventurers for carrying the mail of the United States, for a term of time not exceeding five years, in mail coaches or stages, calculated to convey passengers therein: Provided, That the expense thereof shall not exceed a sum equal to one third more than the whole of the present expense for carrying the mail on such road on horseback."

It will be seen that, by this act, the contract was to be given to "any private companies or adventurers," not only to carry the mail in coaches, but to provide for passengers; and a bonus of one third more than was paid for horseback transportation was allowed for these additional facilities in transporting the mails and passengers. I submit to that Senator whether, after his State has had the benefit of the laws which required the mail to be carried in a prescribed manner at increased rates, not only in reference to speed, but to the accommodation of passengers, is it equal and exact justice to question the power of Congress to grant a like benefit to California? There is another peculiarity about this law. It does not appear that stages were running between Petersburg and

Louisville, but that the mail was transported on horseback; so that Congress offered inducements to "adventurers" to put coaches on the road suitable for passengers.

We do not propose that the Government shall build the road; far from it; we only offer inducements for private capital to undertake its construction.

Hence, I submit, that, under the Constitution, Congress has power to contract in any prescribed way for the transportation of the mails. Having the power to contract, the power necessarily exists to make payment, and the quantum of compensation is a matter for congressional discretion.

It is therefore apparent, that, as a postal arrangement, there is power to pass this bill; but the argument becomes stronger, if possible, under the constitutional power to provide for the common defense. It is constitutional to raise and equip troops, and to mold and cast cannon and; it will not be denied, even by the Senator from Virginia, that it is constitutional to transport troops, supplies, and munitions of war, from one part of the country to another. If constitutional to transport them, is there, then, anything to limit the power of Congress as to the mode or manner of doing so, or making contracts in advance for their transportation? The question is too plain for argument or illustration.

The opponents of this bill, when forced to recede from opposition upon constitutional grounds, attack it on account of the immense cost it will entail upon the Government. An examination of its provisions will show how little foundation there is for this objection.

It is proposed to give alternate sections of land on each side of the road. The policy of granting land to aid in the construction of railroads is too well established to need an argument. It will be observed, in the first place, that the land without the road is utterly worthless, and would not perhaps for a century or more produce to Government enough to pay the expenses of surveying and selling it; and next, it is obvious that the building of this road is an event that our Government, for political reasons, desires, and that we only seek to invite private capital to be invested for our benefit. There is not much surplus capital in the country; and in order to induce its investment in great and untried undertakings like this, we must offer proper encouragement. I shall presently show that the grant of land by the bill is the only contribution by the Government to the work.

Senators have spoken about the immense expenditure of money which by this bill would be entailed upon the Government. *I most unequivocally deny that the Government will in any manner risk the loss of one dollar, if it passes.* I ask the attention of those Senators who were prevented from favoring the measure by the fear it will become a burden upon the Treasury, to this part of my argument. The proposition submitted for consideration is, that the only aid asked from the Government is simply a donation of the alternate sections of land. It is true that the bill proposes that the Government shall advance funds to contractors, as soon as a section shall be completed—that is to say when a section of the road is made and put into successful operation, then the Government shall loan to the contractors at five per cent. interest bonds. The loan is not to be made until the section is complete and in running order; then the Government advances, for the first time, bonds, and patents the alternate sections of land.

Now, before an advance of a dollar in bonds can be made, a section of the road must be built. Then the Government pledges its credit, and acquires a lien or mortgage upon the road for the fulfillment of the whole contract. Suppose the contractors, after receiving the bonds, and the lands, should fail; the Government would take possession of the road, which must have cost the contractors probably $40,000 per mile. In other words, to obtain the loan of bonds, the contractors give the best security that they will repay the money. Even if the contractors, after obtaining an advance, were to fail, the Government would be benefited. It would then have a section of the road, complete, equipped, and in running order, including the rolling stock, by turning over which, it would be enabled to enter into a new contract upon equally, if not more, favorable terms for the other sections.

How, then, can the Government lose money? It is easy for Senators to assert that the passage of this bill would cost the Government $100,000,000, and then inveigh against the magnitude and extravagance of the expenditure; but a candid and full consideration requires the bill to be judged by its own provisions, and not by the loose interpretation of its opponents.

The illustration adopted has been of the operation of the bill upon one section of the road; but it would work in the same manner upon any number that might be built. The principle of the rule is, that upon every dollar in bonds advanced by the Government, security will be given by the contractors, in the ratio of more than three to one; and that it is for the pecuniary interest of the Government that the contractors should fail in their contract, as by the failure it would acquire so much of the road as had already been constructed, and would thus be enabled to enter into more advantageous contracts for the remainder. The government is to be repaid its bonds, *with interest*, by the performance of mail service, and by the transportation of military and naval supplies, troops, and seamen, at rates not exceeding, in times of peace or war, those which may have heretofore been paid for similar service.

It may be urged as an objection to this bill, that the carrying a daily mail, both ways, will add to the expense of the Government in transmitting its mails to the Pacific coast. These mails are now carried both ways semi-weekly, weekly, semi-monthly, and monthly; not a daily line exist. The annual compensation for carrying the mails by the present lines is as follows:

Ocean service from New York and New Orleans, via Panama, to Oregon and California, $738,250. Overland mail from San Antonio, Texas, to San Diego, California, $149,800.

This contract expired on the 1st of the present month, after which the sum of $90,668 is to be paid until the 1st January, 1859 ; and from that time, in consideration of extra service to be performed in connection with the great overland mail from St. Louis and Memphis, $196,448 per annum is to be the remuneration.

These are semi-monthly. Then we have a semi-weekly overland mail from Memphis and St. Louis, via El Paso, to San Francisco, $600,000.

Then we have the weekly route, by overland, from St. Joseph to Salt Lake, and thence to Placerville, $320,000.

Then we have the monthly route from Kansas city, via Albuquerque and Tejon Pass, to Stockton, $90,000.

And finally, the semi-monthly route from New Orleans to Tehuantepec, $250,000.

This sum is for connecting with the Pacific mail steamships at Ventosa bay, or, if they carry through, on their own account, to San Francisco, $286,000.

This great expenditure of $2,200,000, is not chargeable to California alone. The ocean steam lines represent the great commercial interests, equally divided between the Atlantic, the Gulf of Mexico, and the Pacific ; and the overland mails manifest the unfinished link of connection in all its varied forms between the Pacific coast and the northwestern and southwestern States. In no more imposing aspect can the great importance and value of California to this Confederacy be presented than by the contemplation of these numerous lines of intercommunication between that State and the rest of the Union—girdling the American continent at six different points, passing over equatorial regions, or struggling through the eternal snows of a northern latitude.

Sir, the inconsiderable and and feeble political influence of a single State on the Pacific could never alone have caused the establishment of these expensive mail routes ; but the statesmen charged with the administration of the Government were compelled to listen to and meet the demands of the commercial States of the Atlantic and the Gulf of Mexico ; and the stock-raising and agricultural States of the northwest and southwest to have the mails carried by these great highways to the Pacific.

And, sir, I cannot refrain from saying to the Senator from Virginia, [Mr. Mason,] that when, as he intimates, the effort shall be made to separate California from the rest of the Union, if she insists that the Government shall aid in building this road as the possible condition of her remainining in the Confederacy, these same sovereign and powerful States which have demanded of this Government the expenditure of millions of dollars annually in the mail service to the Pacific, imperfect as it is, will fraternally group around California and bid her remain with them.

It will be perceived that the expense of transporting mails, if the railroad is constructed, will be diminished at least a million dollars annually. Not only this, but they will be carried daily instead of semi-weekly, weekly, semi-monthly, and monthly, as at present, and in one fourth of the time required for the present transit. I will hereafter show that the saving to the Government in the military transportation will be infinitely greater than in the postal service, while the efficiency in both will be increased a hundredfold.

Having demonstrated, as I conceive, that under the provisions of this bill the Government will never be called on to advance its credit for one dollar to aid in the construction of the road without treble security, and that, in case the road should be built, while rendering increased and more efficient postal and military service, it will save millions annually to the national Treasury, I now propose to consider the whether the prospective advantages that will result from its construction will compensate the Government for its land grant.

In the progress and maturity of a nation, there is a gradual system of growth and development for which its statesman should make timely and ample preparation. It is a matter of pride with us to contemplate the present expansion of the Republic, but let us not be forgetful of the cause and means of our greatness. Accident has not enveloped us in the splendid reality of the present. Chance did not plant the seeds of our national prosperity, nor has it guided us along the path of empire. If we have extended our boundaries beyond the Mississippi, it is not because a blind caprice has led us there to track the buffalo in his wilds ; and if in our progress we have crossed the Rocky Mountains, it is not because our adventurous pioneers had discovered the golden wealth sparkling in the bosom of California ; but we must trace the cause to the great statesmen, who in the infancy of our political existence, framed with planetary symmetry our form of government, and inaugurated the policy in its administration which has resulted in our present greatness. Occupying a narrow strip of the North American continent, bounded by the lakes and Alleghanies, the population not greater than that of the State of New York at present, they created a nation and gave it the significant name of United States of *America*, thus manifesting the spirit with which they regarded a future, when the distinction of a northern and southern America should be obliterated under the expanding influences of the admirable system of government they called into existence. From the Declaration of Independence, and the adoption of the Constitution, that policy has prevailed in every step we have taken. The first was to obtain the free navigation of the Mississippi river, and extend the boundaries of the Republic to the Gulf of Mexico; and hence Louisiana and Florida were purchased, and Texas annexed. The next step was to extend our western boundary to the Pacific Ocean.

As early as January 1803, Mr. Jefferson, the greatest of the great statesmen who favored this policy, called the attention of Congress to the expediency of examining the vast country west of the Mississippi, and fronting on the Pacific ocean. Congress gave its approval by authorizing the expedition of Lewis and Clark to explore regions where we had no territorial rights, but which the statesmen of that day perceived must necessarily belong to us in the future. In 1835, General Jackson offered Mexico $5,000,000 for a line of boundary between the two Republics that would embrace the bay of San Francisco within our limits; and in 1844 Mr. Calhoun, then Secretary of State, renewed the offer increasing the sum to $10,000,000. There was one question during the Mexican war upon which all parties agreed, and that was that it should not close without the cession of California to the United States. Indeed, I have little hesitation in saying that no Administration would have dared to make a treaty of peace without incorporating California into the Union. What gold could not purchase, we acquired by the sword. The Russians have a proverb that the road from Petersburgh to Paris is by way of Constantinople. Our road to California was by the city of Mexico, and so impatient were we in securing that great prize, that we spent but a brief space of time on our way. When again (if ever) we shall reach the halls of the Montezumas in our course of empire, we may tarry there for a longer period.

Thus, Mr. President, in the fifty-ninth year after the adoption of the Constitution, we reached the second great era in the development of our country. It has taken us but little more than half a century to make ours an ocean-bound Republic, eastward and westward; and who can tell where the flight of our eagles shall be stayed toward the Arctic and Antarctic before the close of the yet unconsumed century!

Our fathers sought this expansion of our limits in order that we might derive all the advantages that would result from an unrivaled geographical position. They have passed away, and we, a succeeding generation, find ourselves in the possession of the vast empire which they projected but never enjoyed. What shall we do with it? The honorable Senator from Virginia [Mr. Mason] says that we shall do nothing with it, and that, sooner than give the aid of the Government in the construction of a railroad which is indispensable to cement the Republic and make us one people, he will permit the Pacific coast to be lost to this Confederacy. His language was so emphatic, and his declarations so extraordinary and startling, that I might be accused of misrepresenting him unless I use his own words. In the discussion during the last session, he said:

"But if the Senator [Mr. Gwin] means to present this alternative, that we must either part with California or change and destroy the fabric of this Government in order to build a railroad to connect with them, with every regret to part with the country of the honorable Senator, I should be constrained to say, it must go."

Does this bill "change and destroy the fabric of this Government" by simply proposing to authorize the President to contract for the transportation of mails and munitions of war by railway to California? The Senator from Virginia cannot successfully contend that this proposition is unconstitutional, for that question has been settled by a weight of authority not to be resisted. Then how does it change and destroy the fabric of the Government? The Constitution, which is the Government, is unimpaired and untouched, as full of vigor and vitality, to carry into effect this law, as any other that has been passed by Congress since the Constitution was formed. Then where is the danger? It must be the expense which the Senator imagines the Government will incur if this bill passes. I have, as I think, demonstrated that the Government advances no money that will not be amply secured. But does the Senator count the value of this Union by the amount of dollars and cents that must be necessarily expended to give security and protection to all parts of the Republic in time of war? I hope not. Let the Senator permit me to remain in the belief that he would not, even for hundreds of millions of dollars, be willing to see our flag hauled down on the Pacific, and six hundred thousand American citizens become aliens to this Republic.

Is the value of California to this Union to be estimated by dollars and cents? If in order to obtain the passage of laws necessary for her development and protection, we are required to prove that we give more than we receive, that we are no burden to this Government, it would be no difficult task to perform. We are loyal to the Union; we know its value, and we feel a patriotic pride in being one of its integral parts. We are as loyal and devoted to it, as were the thirteen colonies to the British crown, when George Washington rode by the side of General Braddock in his advance upon Fort Duquesne; and, sir, will this august body, by neglect and injustice, produce the same change in us as was manifested by the thirteen colonies toward the British crown, as illustrated by the same patriot Washington, when he received the sword of Cornwallis at Yorktown?

Profane history presents no parallel to the policy indicated by the honorable Senator from Virginia in regard to the acquisition of California. Yet there is an illustration of it to be found in the sacred volume, where the unfaithful servant, after receiving a talent of gold, buried it in the earth, and there left it unproductive, for which he merited and received the sharp reproof of his master.

We are the successors of the great statesmen and founders of the Republic, who inaugurated the policy which has enlarged our boundaries and made us one of the most prosperous and powerful nations on the globe. In order to be on a level with our great responsibility to the past, to the present, and to the future, we must place ourselves far above the ephemeral questions of the day, petty local and sectional prejudices, and enfeebling

abstractions that would favor a war that gave us an empire, and lose that empire under the delusion that giving it military protection and promoting its prosperity would impair the fair "fabric of our Government."

Our first and great duty is, by providing the most rapid means of intercommunication between its extremes, to consolidate the Republic. We know not when our country may be precipitated into a foreign war; and if with a great naval power, the result must be disastrous, and the prize—the only material result of the expenditure of $200,000,000 in the Mexican war—now in our peaceful possession, be exposed to fearful peril. How could we keep open communication with California in case of such a war? The transit routes of Panama, Nicaragua, and Tehuantepec, and every American port on the Pacific coast, if the nation with which we were at war had a more powerful and efficient navy than ours, would be blockaded. All our present overland routes are insecure; and it was but the other day that one of our own Territories, through which the most traveled of the routes passes, was in open revolt against the Government. That I may not be considered as overrating the difficulties and dangers of our position, in order to gain support to this measure, I will quote an authority that will commend itself to the members of this body. I read from the report of the late Secretary of War, now a Senator from Mississippi, [Mr. Davis.] In commenting upon the Pacific railroad surveys, he says:

"The facts developed by these surveys, added to other information which we possess, suggest some considerations of great interest with regard to our territory on the Pacific. They exhibit it as a narrow slope of an average width of less than one hundred and fifty miles of cultivable land, skirting the ocean for a distance of one thousand miles, rich in those mineral productions which are tempting even beyond their value, and which would be most readily turned to the use of an invader; drained by two rivers of wide-spread branches, and with seaports lying so directly upon the ocean that a hostile fleet could commence an attack upon any one of them within a few hours after being descried from land; or, if fortified against attack, so few in number that comparatively few ships would suffice to blockade them.

"This territory is not more remote from the principal European States than from those parts of our own country whence it would derive its military supplies, and some of those States have colonies and possessions on the Pacific which would greatly facilitate their operations against it. With these advantages, and those which the attacking force always has, of time and place, an enemy possessing a considerable military marine could, with comparatively little cost to himself, subject us to enormous expenses, in giving to our Pacific frontier that protection which it is the duty of the General Government to afford.

"In the first years of a war with any great maritime Power, the communication by sea could not be relied upon for the transportation of supplies from the Atlantic to the States. Our naval peace establishment would not furnish adequate convoys for the number of storeships which it would be necessary to employ; and storeships alone, laden with supplies, could not undertake a voyage of twenty thousand miles, passing numerous neutral ports, where an enemy's armed vessels, even of the smallest size, might lie in wait to intercept them.

"The only line of communication, then, would be overland; and by this it would be impracticable, with any means heretofore used, to furnish the amount of supplies required for the defense of the Pacific frontier. At the present prices over the best part of this route, the expense of land transportation alone, for the annual supplies of provisions, clothing, camp equipage, and ammunition for such an army as it would be necessary to maintain there, would exceed $20,000,000; and to maintain troops, and carry on defensive operations under those circumstances, the expense per man would be six times greater than it is now; the land transportation of each field twelve-pounder, with a due supply of ammunition for one year, would cost $2,500; of each twenty-four pounder and ammunition, $9,000; and of a sea-coast gun and ammunition, $12,000. The transportation of ammunition for a year for one thousand sea-coast guns would cost $10,000,000. But the expense of transportation would be vastly increased by a war; and at the rates that were paid on the northern frontier during the last war with Great Britain, the above estimates would be trebled. The time required for the overland journey would be from four to six months. In point of fact, however, supplies for such an army could not be transported across the continent. On the arid and barren belts to be crossed, the limited quantities of water and grass would soon be exhausted by the numerous draught animals required for heavy trains, and over such distances forage could not be carried for their subsistence.

"On the other hand, the enemy would send out his supplies at from one-seventh to one-twentieth the above rates, and in less time—perhaps in one-fourth the time—if he should obtain command of the isthmus routes.

"Any reliance, therefore, upon furnishing that part of our frontier with means of defense from the Atlantic and interior States, after the commencement of hostilities, would be vain; and the next resource would be to accumulate there such amount of stores and supplies as would suffice during the continuance of the contest, or until we could obtain command of the sea. Assigning but a moderate limit to this period, the expense would yet be enormous. The fortifications, depots, and store-houses, would necessarily be on the largest scale, and the cost of placing supplies there for five years would amount to nearly one hundred million dollars.

"In many respects the cost during peace would be equivalent to that during war. The perishable character of many articles would render it perhaps impracticable to put provisions in depot for such a length of time; and in any case, there would be deterioration amounting to some million dollars per year.

"These considerations, and others of a strictly military character, cause the Department to examine with interest all projects promising the accomplishment of a railroad communication between the navigable waters of the Mississippi and those of the Pacific ocean. As military operations depend in a greater degree upon rapidity and certainty of movement than upon any other circumstance, the introduction of railway transportation has greatly improved the means of defending our Atlantic and inland frontiers; and to give us a sense of security from attack upon the most exposed portion of our territory, it is requisite that the facility of railroad transportation should be extended to the Pacific coast. Were such a road completed, our Pacific coast, in lieu of being further removed in time, and less accessible to us than to an enemy, would be brought within a few days of easy communication, and the cost of supplying an army there, instead of being many times greater to us than to him, would be about equal. We would be relieved of the necessity of accumulating large supplies on that coast, to waste, perhaps, through long years of peace; and we could feel entire confidence that, let war come when and with whom it may, before a hostile expedition could reach that exposed frontier, an ample force could be placed there to repel any attempt at invasion."

For more than seven years my humble efforts have been exerted to induce the Government to aid in this important work. I have told you that every year's delay was dangerous; and that the time of peace and prosperity could not be more fitly employed than in devising some plan, and vigorously prosecuting it, to connect the Mississippi valley and the Pacific by railroad. But my counsels have fallen upon heedless ears; and even the friends of the measure have said we can wait. And what is the result? Does any Senator believe that if this road had been commenced—I will not say finished, but

reasonably advanced—our army would have spent last winter in the snowy gorges of the mountains in front of Echo Canon ; or that during last spring, from every part of the country, flashing bayonets would have been concentrating upon rebellious Utah? Before the 1st of July next, our expenditures, on account of the Mormon difficulties, will have approached, if they do not equal, the $25,000,000 it is proposed by this bill to loan the contractors to build the road, every dollar of which would have been saved by its commencement and vigorous prosecution in 1853.

There is another reflection forced upon us. Spread over the immense territory through which this road will pass, roam at least two hundred thousand wild Indians, who are always ready to commence hostilities. The history of our country shows, that, as our frontier settlements approach their hunting grounds, wars of extermination have raged. If these wild natives of the plains were to break out into open and undisguised warfare, twenty thousand troops could not guaranty protection to these frontier settlements, and keep open the overland communication with the Pacific ; whilst the expenditure in money would reach astounding figures. As the result of the building of this road, strong and numerous settlements would be formed along its line and branches, which, in connection with the rapid movement of a few troops, would overawe and keep the Indians quiet. I beg Senators to reflect that we have not yet paid for one campaign of volunteers in Oregon and Washington Territories, which, by the report of our own army officers, amount to more than five million dollars ; and the expense of this year in the same Territories, in suppressing Indian hostillities by the regular army, will fall but little, if any, short of that sum.

In addressing the Senate upon this subject in 1853, among other evidences indicating this to be the age of gigantic progress, I called attention to the fact that the Emperor of Russia proposed to connect, by a railroad, St. Petersburg with Odessa, on the Black sea. That enlightened and ambitious monarch projected this scheme as a means of assuring the integrity and advancing the greatness of his empire. Its execution was postponed, although none doubted its wisdom. It was admitted that the road was necessary; that, in the language of the Senator from Virginia, [Mr. Mason,] in reference to the Pacific railroad, it was "a desideratum ;" and what was the result of delay? When Nicholas stretched forth his hand to pluck the prize coveted for generations by his ancestors and threw his gauntlet in the face of Europe, for want of this railroad he was forced by England and France to abandon his advance upon Constantinople and repel the invasion of his own territory on the Black sea. Although victorious, the allied army was decimated by its battles with the splendid armies of Russia and the rigors of a Crimean winter. Possessed of a line of easy and rapid communication by sea, the allies poured in constant reinforcements to replenish their exhausted legions. But how different was the condition of Russia? Possessed of any amount of physical force, with armies thoroughly organized and equipped, she was unable to render them effective for the want of a rapid line of communication.

Such were the difficulties in supplying the Russian army, that although within a few hundred miles of the Ukraine, the granary of the world, absolute want frequently checked its operations. Immense sums of money were expended by the Emperor to transport supplies for the garrisons and protecting army of Sebastopol ; yet, the expenses, losses, and difficulties were such, that the allies were able to purchase supplies in New York, and even Chicago, and transport them to the Black sea at less cost, and with more certainty and dispatch, than the Russians could transport by land their provisions from the interior, a distance of only a few hundred miles.

The present Emperor has learned wisdom from the lesson taught his predecessor, and has contracted with parties for the construction of railroads from Moscow to the Black sea, and from the same point to all the important outposts of the empire, guarantying five per cent. dividends upon the capital invested. The Russian government has learned from disastrous experience its vulnerable points, and is covering them in such a manner that when again, if ever, the Emperor marches his armies upon Constantinople, the combined world in arms cannot stop his progress. By the delay in constructing this railroad from Moscow to Odessa, the power and *prestige* of Russia was broken in the late war, and the golden prize that glittered on the banks of the Bosphorus lost, perhaps forever. An ingenious author has written a work describing what might have happened, if certain great events had transpired otherwise than they really did. He has speculated, among other things, as to how changed the destiny of Europe would have been if Napoleon had won the battle of Waterloo. But, sir, that contingency sinks into insignificance by the side of the great events that would have transpired in the last few years, if St. Petersburgh and Sebastopol had been connected by railroad. The Black sea would have become a Russian lake, and the Dardanelles a Mediteranean Cronstadt.

We are indebted to good fortune and not statesmanship that we have not as well as Russia paid the penalty of inactivity. It was a probable event when an English Minister was dismissed from Washington, that the same fleets which blockaded Sebastopol would have sailed for San Francisco. Nor is it rash to speculate on the contingencies of war between the United States and Great Britain or France. The points of contact are numerous. Commercial interests clash more than the pursuits of ambition, and we have greater cause of rivalry, with one or both of these great powers, than Russia ever had. In 1850, profound peace prevailed throughout Europe, and nothing short of insanity would have predicted the great war that is but recently closed. Yet, sir, in that short space

of time the peace of the world has been broken, fierce wars have raged, great battles have been fought, again succeeded by peace, and the great allies who warred side by side on the shores of the Black sea, now regard each other menacingly across the British channel. All these great events have transpired in less than ten years; and who can tell what a like period may bring to us? Let us gather wisdom from the disasters of Russia, and profit by the lesson which the late rebellion in Utah has taught us, and no longer postpone the commencement of this great work, which, when completed, would relieve us from the perils, not only of foreign aggression, but of domestic insurrection, and intestine wars.

When we take into consideration the political, commercial, and agricultural interest of the whole country that will be benefitted by the building of this road, it is manifest and rank injustice to treat it merely as a *California* question. A State exporting an annual average of $60,000,000 of gold, is second to none in this Union, in the advantages it gives us as a nation, in the commerce and exchanges of the world.

In proof of the assertion that California is a burden upon the public Treasury, frequent reference is made to the aggregate amount of the appropriations made by Congress, for what is styled her benefit, as compared with the receipts of her custom-houses. The fallacy of the argument is demonstrated by the mere statement of the fact that the great States of the interior, Kentucky, Ohio, Indians, Illinois, and Missouri, collect but little revenue from customs, while two-thirds of the whole revenue derived from this source is collected of the city of New York. The exports from the cotton-growing States is the chief foundation upon which we rely for foreign importations, and from which the revenue derived from customs is collected; and, whilst those duties are not collected in those States, they claim that they contribute at least their full proportion to the support of the Government. The gold-exporting State of California can, with equal justice, make the same claim. You import $50,000,000 of foreign goods more than you export of your own products, exclusive of the precious metals; and how do you pay for them? In gold, California gold. Withdraw it from your exports, and if you did not diminish to the same extent your imports, you would become a national bankrupt.

During the fiscal year that ended on the 30th of June, 1857, our imports amounted to $361,000,000, and our exports to about $363,000,000, of which $60,000,000 was in gold coin and bullion. In this way California enabled you to pay for one-sixth of the whole imports of the country, and consequently you are indebted to her for the means of bringing into the Treasury one-sixth of the revenue from customs, independent of her paying directly at the custom-house in San Francisco upwards of one million of dollars. Thus, through the instrumentality of California alone, the government received from customs during that fiscal year upwards of twelve-and-a-half millions of dollars, and the same *pro rata* will be exhibited by the imports and exports of the last or any other fiscal year.

This is looking at the question in a fiscal point of view alone; but when her importance is estimated in connection with every national interest, leaving out of view the Government revenues, it is impossible to estimate it. You see it everywhere in the progress and improvement of the country. California has graded the tracks of your railroads; she has tunneled your mountains; she has developed your coal and iron mines; she has enabled your merchants to build palaces in your cities; and has made your ship-yards and machine shops resound with the busy hum of occupation. Her trade has brought into existence the magnificent fleet of clipper ships which now bear the moral prestige of your triumphant skill upon every sea; and the rising rotunda of this Capitol is a fit type, in its splendid proportions and unfinished state, of the uncompleted prosperity which she will yet pour into the lap of our common country.

One of the most common arguments against the Pacific railroad is, that if it was built it would not only pay no dividend upon the capital invested, but that it would not pay the expenses of keeping it in running order. There is as little truth in this argument as in most of the others that are urged against this great measure. I need only refer to the single item of revenue from passengers to demonstrate its fallacy. An estimate can be made of the travel between California and the Atlantic States, from the fact that in one year more than one hundred thousand persons have passed over the various routes, with an annual average of fifty thousand, at a low estimate, for the last nine years. The Senator who contemplates without interest this great movement of our age, and refuses to aid in the construction of a great national highway for the accommodation of this vast emigration, misapprehends the responsibility of his position. And if any one supposes that it will not be augmented in a vast ratio upon the construction of a railroad, he is ignorant of the history of the country for the last ten years. Danger and death stand sentinels upon all of these lines of travel, and exact a mournful tribute. At one time they appear in the form of Asiatic cholera or contagious fever; and crowded steamers lose a fearful proportion of their living freight. Again they take the form of bloody riots, and the brutal negro of Panama with impunity robs and massacres our citizens. And when the emigrant selects the route over the plains, and asks the protection which he has a right to expect in traveling through the territories which by name at least belong to the United States, there the Indian preys upon his life in undisturbed security.

At the last session, I called the attention of the Government to the massacre of one hundred and eighteen emigrants, including in that number sixty-two women and children, whose bones are now bleaching on the Mountain Meadows, while their murderers go unwhipped of justice.

The windings and course of the great Pacific emigrant routes can be traced by the

bones of those who have perished in their efforts to reach its shores. Upon the surface of the earth between the Mississippi and the Sierra Nevada mountains, these evidences of mortality serve as landmarks to the lone traveler; and if, in the vicissitude of time, some great physical convulsion should raise up the deep sunken bottoms of the ocean, and lay them bare to the light of day, the same unbroken chain of whitened bones that extends from the Mississippi westward, would designate the fatal course of the steamships, into which the neglect and inaction of the Government still forces this apparently doomed emigration. But has it been stopped by these dreadful tragedies, and the fearful perils that encompass every route? No, sir. As I have said, it has averaged annually for the last nine years fifty thousand persons, and is kept at this low figure only by the difficultics and dangers I have in part enumerated; and I believe this year it would have reached one hundred thousand, but for the extortion on the isthmus route, and the apprehended war with the Mormons. The cause for the increased desire for a change of locality this year is to be found in the wide and desolating effects of the financial storm which overwhelmed the Atlantic and western States last year; in contrast to which, the prosperity prevailing in California makes it doubly attractive.

If, notwithstanding the difficulties and dangers I have enumerated, tens of thousands of emigrants annually go to California to make it their permanent home, who can estimate the increase in the number of emigrants when the Pacific railroad is constructed? But taking the estimate in other States of the increased travel produced by the building of railroads, which at a low calculation is as five to one, at this ratio, the increased domestic travel between the Pacific and the Atlantic would amount to a quarter of a million persons annually. This estimate relates to our own people, without taking into consideration the fact, that the building of this road would open the shortest and quickest route for Europe to communicate with China, the East Indies, and Australia. How, then, can it be said that this road, when constructed, will not support itself, and pay dividends on the capital invested?

When we consider the other domestic benefits which this great measure will confer, nothing already suggested can diminish the importance of what remains to be discussed. The public domain between the Mississippi and Pacific ocean, embracing an area as great as that contained in the thirty-two States of the Confederacy, is now comparatively valueless. Build a railroad through it, and every arable acre will be in demand; every river-bottom and valley will have its settlement. It would be difficult to estimate the addition to the wealth of the nation by the increase in the value of the lands along the line of the road, now valueless from being inaccessible to markets. Railroads have increased tenfold the value of lands in New England, New York, the Northwest, and in all the States where they have been constructed. For many years the prairies of Illinois and Indiana were, for the want of the means of transit, comparatively valueless; but, as the healthy circulation of commerce was given to them by the building of railroads, they acquired a value almost fabulous in comparison to that at which they were previously estimated; and they have become one of the great granaries of the world. Look also at Massachusetts. The enterprise of that State has covered her barren soil with a net of railroads, and her exhausted and rocky lands command by the acre prices that would purchase a quarter section of fertile lands in those parts of the country distant from the lines of water and railroad communication. By means of her railroad policy, Boston enters into successful competition with St. Louis, on the Mississippi, with Cincinnati, on the Ohio, and even with imperial New York, on the shores of Lake Erie and on the banks of the Hudson. When the assessment roll of a State without railroads would show $50,000,000 as the value of real estate, it may be safely estimated that a system of railroad communication would increase the price of its lands four-fold; and thus the railroads might be safely calculated as adding $150,000,000 to its wealth in the enhanced value of its real estate alone

Having reviewed at some length the arguments of those who are opposed to giving Government aid in the construction of this road, I approach with reluctance a review of the conflicting views of the friends of the measure. Ever since I took my seat in the Senate, a majority of its members have been in favor of giving Government aid in the construction of a Pacific railroad; but, for the want of harmony, and that spirit of conciliation and compromise which the opponents of the measure have always taken advantage of, we have never been able to agree upon a bill that could secure a majority in both Houses of Congress.

I know of no way by which a stronger illustration can be given of this than by quoting from the frank and candid declaration of the most distinguished and unrelenting adversary of this measure. In February, 1853, the Senator from Virginia, [Mr. Mason,] when it was proposed to survey the various routes to the Pacific, thus addressed the Senate:

"I appeal to Senators if this project can be fairly and legitimately destroyed, to destroy it for the present session; and I know of no way of doing it, inasmuch as there is a fixed majority here in favor of making a railroad from some point on the Mississippi river to some point on the Pacific ocean, but by getting up an internecine war among the friends of the measure. That is the way we fortunately succeeded in defeating the friends of the measure upon the bill itself."

How long, Senators friendly to this measure, shall we thus permit our opponents to profit by our dissension, and tauntingly avow to us the cause of their success? With an Executive committed by every pledge that can bind a statesman, and who stands ready to redeem his pledges; with an acknowledged majority in both Houses of Congress, shall we, by our differences, arrest the progress of this, the grandest enterprise of any age, or of any nation? Is there no plan upon which we can unite! I think there is. If we regard the broad fields, where extended empire and increased wealth await our advance,

rather than the contracted sphere of local interests, we shall, in the spirit of the fathers of the Republic, be enabled to devise some common basis upon which we can act in concert.

In my judgment, an undue importance is attached to the location by Congress of the *termini* of the road. This bill leaves to the contractors the location of the general route. Being about to invest immense sums of money in this gigantic enterprise in order to make their investment valuable, they will be compelled to select a route which offers to them the advantages of feasibility, shortness, cheapness, and future returns. For myself, I am in favor of the construction of the road on any practicable route.

Yet the Senator from Georgia, [Mr. Iverson,] in his able speech during the last session, objects to this bill, (of which he says I am the author,) because it will secure a northern location for the route. The Senator seems not to be aware of the fact that I have been calumniated and slandered for years as an advocate of an exclusive southern route. I have treated these calumnies with the silent contempt they deserve, and only allude to them now to show my friend from Georgia that, because I am not, and never was, a partisan for any route, North or South, that I am subject to assailment by those who are only in favor of sectional routes.

Mr. IVERSON. The Senator will allow me a moment. I did not intend, in the remarks which I submitted at the last session of Congress on the subject to which the Senator refers, to accuse him of such a design—by no means. If he will look at my remarks, he will perceive that I said the result would be that the North would get the road under the bill which the Senator introduced; but I acquitted him of any design to accomplish that object.

Mr. GWIN. The Senator from New York, [Mr. Seward,] in his speech in favor of this bill at the last session, uttered a sentiment, which I hope will be adopted by every friend of the measure. It is this:

"That if the construction of a Pacific railroad is to be ordered by Congress, we have got to agree upon some plan, and we have all got to sacrifice some prejudices and opinions, and some distrust."

This, in my opinion, is the spirit in which the friends of this measure should come to its support. When the contractors shall be about to determine the location of the road which their money is to build, and which will only be valuable by being constructed with the best channel of commerce and through the best and cheapest country, they will be unmoved by any other consideration than self-interest. In the presence of the autocrat money, sectionalism and jealousy will cease their wranglings and heart-burnings, and be stilled; the struggle of the North against the South, and the South against the North, will be unheeded; the ascendency of this or that section of the Union will not be considered, for the reason that, neither the spirit of fanaticism, nor the depression, nor the elevation of one portion of the Union will pay dividends upon the capital invested. Wherever the road may be built, connections can be established to points distant from the main trunk; and if the folly of contractors should induce them to select a route in opposition to the ordinances of nature or the requirements of trade and commerce, this can be remedied by these connections.

The proud boast of the Senator from New York, [Mr. Seward,] that his metropolitan city is the natural center of the commerce of the Atlantic States, towards which trade and traffic must gravitate, however devious the line of travel, is applicable to any other point which, by its location and natural advantages, is entitled to a proportion of the rich trade to be opened by this iron channel.

The Senators from Louisiana need not fear that New Orleans will, upon any route, lose its quota of legitimate traffic. The Senators from Missouri may rest assured that St. Louis will be protected by laws more powerful than those we may enact—the immutable laws of trade. My friends from South Carolina and Virginia may remain satisfied—if it be not a violation of State sovereignty to receive commercial advantages from Federal legislation—that Charleston and Richmond will not fail to receive that benefit from the work which nature intended, when it indented the coast with the bay of Charleston and opened the channel of James river.

If the termini, as proposed in this bill, suit not the friends of the measure, let us change them. I know that no railroad can terminate at any other point on the Pacific than San Francisco, for the reason that the contractors will seek that point, without which their investment will be unprofitable. The road may ascend along the Oregon line, or defleet through Arizona, yet its terminus must be San Francisco, as the natural commercial center of the Pacific.

Irrespective of the incalculable benefits to the people of the United States, to their commerce, agriculture, mines, manufactures, and navigation, it can be demonstrated that, as a financial question, the revenues of the Government would be augmented hundreds of millions of dollars beyond the contribution proposed in this bill by the construction of the road. These revenues would be increased in four different ways: 1. From the increased sale of public lands; 2. From the augmented revenue from imports; 3. From the diminished expenses of the War Department; and 4. By the increased revenues and diminished expenditures of the Post Office Department.

1. Increased sales of public lands.

The State of California and the Territories of Oregon and Washington contain an aggregate area of three hundred and twenty-seven million five hundred and sixty-six thousand seven hundred and twenty acres. There are twenty-eight million three hundred and five thousand five hundred and sixty-four acres of these lands surveyed and sub-

jcct to prc-emption, of which about twenty-four millions are in California. It is now nearly ten years since our land and pre-emption system was extended to these regions; and yet with all the incalculable inducements for emigration during all this period, the Government has received nothing from the sale of public lands. The loss of revenue from this source is attributable exclusively to the absence of railroad connection with the Atlantic States. The cost of reaching California by the present ocean routes, which, owing to Indian and Mormon hostilities, may be considered our only open emigrant routes, is about one hundred and fifty dollars for each grown person, and for a family, including the parents and five children, the aggregate cost would be $750. Now, of the laboring classes, including most of the mechanical pursuits, not one head of a family out of a hundred thousaud possesses the cash capital to pay the expenses of emigration, and but few of any other class. If they had this capital to pay their passage, when they reach the Pacific coast, no means would be left for the purchase of farms, or the necessary expenses of preparing them for cultivation. The failure of the Government to aid in the construction of a railroad to the Pacific coast, is equivalent to a decree prohibiting the sales of the public lands in these vast regions; and this fact is demonstrated not only by the mere statement of the expenses of emigration, but by the experience of the last ten years.

Nor is it the mere expense of emigration that retards the sale and settlement of these lands; but for the want of a railroad reaching from the Pacific coast into the interior, farmers, with the exception of mere local neighborhoods, are deprived of all market for their produce, as well as of many of the return supplies; and thereby their lands are rendered comparatively worthless. The same remark is true to a great extent as regards the great region between the States and Territories on the Pacific and the States that border upon the Mississippi. That great intermediate region contains an area of six hundred and eighty-eight million one hundred and seventy-nine thousand two hundred and forty acres, nearly all of which is public lands, or lands to which the Indian title will soon be extinguished; and indeed to a vast portion of it there is no Indian title whatever. From the whole of this vast area the Government has received nothing from the sale of the public lands. These lands are now almost inaccessible, either from the Atlantic, the Mississippi, or the Pacific and furnish no markets for products. Many of these lands, as well as those in the States and Territories on the Pacific, contain the richest minerals, and the miners must be supplied by those who cultivate the arable lands. These minerals include gold and silver, quicksilver, coal and iron, copper, lead and salt, and many others, lying waste and unproductivc for want of easy and economical access; and here, too, are found the most valuable mineral manures, such as gypsum, plaster of Paris, marl, &c. The railroad would carry a vast population into this great intermediate region from our own country and Europe, and would increase enormously the revenue of the Government from the salcs of public lands.

We have seen that the aggregate area of this great Pacific and intermediate region, now closed against emigration as if by an impenetrable wall, amounts to one and a quarter thousand million acres. A large portion of this vast area consists of the richest arable lands, a still larger of lands of a medium quality, and a still greater proportion of lands admirably adapted to grazing; but they are now almost worthless for every purpose, as is proved by statistics, and demonstrated by experience. Here, especially, are the most extensive and valuable grazing lands in the world, covered by the finest grasses, over which roam hundreds of thousands of buffalo, the deer, the antelope, and other wild animals; and these, together with the Indians, will be almost their only occupants until the railroad is constructed. These lands are admirably adapted for grazing of every description. Here can be raised the finest shcep upon the continent, horses, mules, hogs, and cattle of every description. Here, too, in many portions, the camel can be reared as well as in any part of Asia or Africa, and in much greater abundance, and with more economy. With the railroad, one vast unebbing tide of population would roll on from the Mississippi to the Pacific, and ante-date by half a century the wealth, power, greatness and glory of the Republic, while securing the Union by perpetual bonds of commerce, intercourse, and interest. Indeed, it is self-evident, that if the financial benefits of the Government were limited only to the increase in the sales of the public lands, the augmented revenue from this source alone would build many railroads to the Pacific.

2. Augmented revenucs from imports.

But it is not from enhanced sales of the public lands alone that the revenues of the Government would be increased by the construction of the railroad; the second source of augmentation would be from the increascd revenue from imports. Our imports are measured by our exports, which depend upon products and population, and cheap, certain, and speedy access to our coast. Besides agriculture and manufactures, the increase of our production of gold and silver, occasioned by cheap and easy access by railroad to these regions, with cheaper supplies, would cause an emigration that would soon raise our annual productions of the precious metals to more than a hundred million dollars. From all these causes combined, it cannot be doubted that the railroad would cause an advance of our revenue from imports of at least $10,000,000 per annum.

3. Diminished expenditures of the War Department.

The third source of revcnue to the Government would be from the vastly curtailed expenses of the War Department, in the diminished cost of transportation of troops, munitions of war, and supplies. In the vast regions west of the Mississippi, these expenditures amounted to at least $10,000,000 during the last fiscal year. These heavy

charges would be reduced to a very inconsiderable sum by the construction of a railroad; while Indian wars would soon be entirely prevented, and the vast annual expenditure for defending the frontier would almost cease, and the army might be reduced. The Mormon war alone will cost the Government more than the aid asked from it for the construction of this road, as will also the Indian wars in Oregon, in the Territory of Washington, in New Mexico, and elsewhere throughout this great region, which would have been prevented if we had had a railroad—or, if not prevented, immediately quelled. And all this is independent of the massacre of our citizens, whose lives it is the duty of the Government to protect; which protection can only be properly afforded by its construction. Indeed, it cannot be doubted that the saving of the Government in a few years, in its military service and Indian wars, incidental to the construction of this road, would soon equal its entire cost; whereas but $25,000,000 is asked from the Government, soon to be refunded in postal and other service. Nor is it only Indian wars that would thus be terminated, but all other wars to be made upon us; for with this railroad from the Atlantic to the Pacific we should be so powerful and impregnable upon both oceans, that no other nation would dare to assail us.

4. Increased revenues and diminished expenditures of the Post Office Department.

The augmented revenues and diminished expenses of the Post Office Department would alone soon refund all the money that is asked from the Government in aid of this great work. The total expenditure of the Government to supply mail facilities to our Pacific coast, and this great interior region bordering upon the States fronting upon the Mississippi, amounts to $2,148,050 per annum; while the annual receipts are but $306,747; thus leaving an excess of expenditures over revenue of $1,841,303 per annum; and, in the absence of a railroad, this excess of expenditures over receipts must go on constantly increasing. Now, this sum would be materially reduced by the construction of the railroad, and the receipts from postage enormously increased. Indeed, when we regard the accruing postages from increased business intercourse and correspondence, including newspapers, by the construction of this road, by substituting a daily for semi-weekly, weekly, semi-monthly, and monthly mails, and reducing the time from more than three weeks to one; and also, that with this road as the nearest, quickest, and cheapest route, the correspondence to and from Asia and Europe, must pass over it; from all these causes combined, it cannot be doubted that the receipts from postage would soon, at least, reach the expenditures, and the Government save from this source, alone, millions of dollars per annum. When we reflect, also, that the whole advance of the Government in money would soon be refunded by postal and other Government service, so far as money is concerned, it may be truly said that the Government advances nothing in aid of this great enterprize but its credit for a very few years, secured against the possibility of loss.

Indeed, looking at a period of ten years ahead from the completion of the road, which is but as a day in the existence of a nation, it is clear that as a mere financial project, ndcpendent of its other incalculable advantages, the revenues of the Government would be more augmented by the construction of this road than by any other practicable plan which the wisdom of man can devise. Over this road the gold and silver of the Pacific would be transported, the mails and the passengers, the teas and silks, and other costly articles from Asia, and manufactures, to a great extent, from our own country. Even many agricultural products would go on this road from the valley of the Mississippi to the Pacific. To the center of the State of Maine, northern as well as southern agricultural products are already carried by railroad a distance equal to half way from the Atlantic to the Pacific, and greater than that from many points in the valley of the Mississippi to that great ocean.

But it is not only as it regards the finances of the Government that we should derive vast advantages, but those accruing to the people of the United States would be still greater. Our population would be increased, our resources developed, and the continent covered with people and States from the Atlantic to the Pacific. Our wealth would be more than doubled; so would be our products. A new impulse would be given to our agricultural, manufacturing, mining, commercial, and navigating interest; and, above all, the Union secured and perpetuated. The very passage of the bill, in advance of the construction of the road, would give a new impulse to our progress and industry. First, as to population, from the augmented resources and prosperity there would be, as all statistics show throughout the world, a large increase of our native population. A new flood of foreign emigration would also be thrown upon us. They would not come to linger in our large cities, but would pass into the great interior to cultivate our soil, to work our mines and factories, to purchase the products of our industry to augment our exports, and to increase our imports, and rear up American families devoted to the Constitution and the Union. From the Atlantic to the Pacific the great arterial industrial current would flow, and the great central valley of the Mississippi, the heart of the nation, would pulsate from ocean to ocean with renewed power

Besides the increased domestic consumption, we should find in Asia, containing two thirds of the population of the globe, new markets for most of our agricultural products. How could Europe compete with us for the markets of China and Japan if we had a railroad from the Atlantic to the Pacific? In those densely-populated regions millions perish every year from insufficient food or clothing. Give us this road, and we could supply these wants cheaper than any European Power, whilst they produce most of the very articles that we desire in exchange.

So also as to manufactures. Our new farms and increased population would furnish an augmented home market for our manufactures; and of many of these, especially the cotton, we could supply Asia cheaper than the factories of Europe. Besides, we charge no duties upon the teas of China, whilst the burdensome debts and costly Governments of Europe require them to impose heavy duties on this article, and thus give us great advantages in the exchanges with Asia. In agricultural implements and engines we are also now supplying many foreign markets; and when extended intercourse with Asia shall substitute these for the barbarous and antiquated articles now in use, new and vast markets will be thus opened for our benefit.

Our commerce, both foreign and domestic, would receive a new impulse. Our interstate commerce would reach from the Atlantic to the Pacific; and with Asia especially it would be immensly augmentcd. Not only would this be the case as regards the exchanges of our own products and manufactures, but America being located between Europe and Asia, with the nearest and quickest route of the world's intercommunication, we would become the store-house and carrier of the world's products and manufactures, command the routes and traffic of the globe, transfer here the control of its exchanges, and realize for ourselves that vast tribute which England now exacts from her almost universal commerce.

To the statesman it must be apparent that from the great commercial changes and advantages which will result from the English and French war with China, as well by our recent treaty with that Power, a new impulse must and will be given to commerce. Shall we not prepare for it, and afford every facility, whereby our enterprising shipowners and merchants, as well as manufacturers and agriculturists, may be benefited? Can we not easily foreshadow the trade that must necessarily spring up with hitherto exclusive Japan? And who can foretell what commercial enterprise is to be infused among the thousand isles of the Pacific by their intercourse with California, now daily becoming greater and greater? Turn your eyes to the Amoor river, and the boundless tracks which it drains, abounding in mineral wealth, and containing millions of inhabitants, who need and will use our manufactures and breadstuffs, and say, in view of all this, whether the commerce of all those countries should not pass over our own territory; and therefore, for those causes alone, if no other existed, a railroad is of paramount import to us. Commerce is power and empire. Its conquests are greater, more universal and enduring than those of arms. It carries with it peace and plenty, instead of death and desolation. It marches over States and nations to supply their wants and receive their products in exchange. Its dominion is peace; its victories are those of labor and industry. National prejudices and prohibitions, dynasties, and despotic institutions crumble before its progress. Give us, as this railroad would, the permanent control of the commerce and exchanges of the world, and in the progress of time and the advance of civilization, we would command the institutions of the world—not like the colonies of Rome, by the sword and vassalage, but by that irresistible moral power which would ultimately carry our institutions with our commerce throughout the sphere we inhabit.

Either England or the United States must in the end control that commerce. It must center in London, Calcutta, and Bombay, or in America cities. It must command the ocean and the land; and we must be secondary to England, or England to America Now, at this very moment, England is preparing to grasp this commerce by a continuous railroad through Halifax, Quebec, and her territories on our continent, to the Pacific This is already formally announced in her Parliament by her Cabinet Ministers; and a gigantic company, aided by British credit, British lands and capital, and Government aid, is advancing to snatch from our grasp this greatest of all earthly prizes. She has a practicable route through her American territory from ocean to ocean—a route ten degrees south of some of the Russian railroads, and which she will construct if we do not immediately perform our duty. The power, credit, and capital of Great Britain herself, and of her American colonies, will be devoted to this great object, for she will not surrender without a struggle that command of the markets of the world which at present is the basis of her wealth and power. Let her do this, and she will spread her people, her institutions, and her commerce from the Atlantic to the Pacific, and we will become a secondary power, if not on our own continent, at least as one of the nations of the earth. Her ships will traverse both oceans, her railroads will unite them, her products and manufactures will pass over them, her institutions will accompany them; and our wealth and power, contrasted with hers, will become comparatively feeble and insignificant. Great enthusiasm on this subject now pervades not only Great Britain, but also Newfoundland, Nova Scotia, New Brunswick, and the Canadas, and her vast colonial possessions stretching westward to the Pacific. We have not a day or an hour to lose, if we would secure the great prize of universal commerce. Shall we, the great Power on this continent, stretching soon, with continuous States, from ocean to ocean, step back from our destiny, or wait until England shall have secured the monopoly of this commerce for herself? Is this a British Parliament, or is it a Congress of American statesmen and patriots to whom such an appeal shall be made in vain?

Let England snatch from us this prize by a railroad through her American colonies, and for all the purposes of trade, commerce, or intercourse, we will have been recolonized; and succeeding generations will curse our treason to all the great interests of our country, and declare us unworthy to have inherited the legacy of freedom and independence transmitted to us by the patriots of the Revolution. With this road, in war the

fleets and armies of England would assail us in vain; but surrender to her that great avenue of the world's commerce over our own continent, and she will have stricken us a deadly blow. Besides the loss to all our great industrial interests, it will cause vast emigration, capital, and labor, to flow from our own country to her colonies, and along this route, to enjoy the advantages of this the greatest enterprise which the energy of man will ever have accomplished. St. John's, Halifax, Quebec, Montreal, Toronto, and her cities upon the Pacific, will snatch from ours the benefits of this great inter-oceanic communication; and her institutions, which could accomplish such vast results, will be declared superior to our own. It will be triumphantly proclaimed, "Look what monarchy has accomplished for her people and colonies, by building this road, and see how the great and model Republic, with far superior natural advantages, has failed to secure it. Her mistaken economy, her want of statesmen and patriots, her sectional passions and prejudices, have thrown from her the greatest benefits which Providence ever vouchsafed to man. Commerce is indeed king, and royalty is her representative!" This will then be proclaimed throughout all the nations of the earth. Then, when these greatcalamities shall have come upon us, the records of our votes on this all-important and national question will be scrutinized by the American people, and they will know and mark the men who shall have produced this great and irremediable disaster. Our false economy, saving cents while sacrificing millions, will be universally understood and appreciated. Our local and geographical jealousies, our sectional passions and prejudices, our anti-national and Anti-American votes and speeches, by which the East and the West, the North and the South, the Atlantic, the valley of the Mississippi, and the Pacific, have all, all been sacrificed, will rise up in judgment against the opponents of this road, and secure for them an immortality of execration.

Thus much for our agriculture, commerce and manufactures. Our vessels will lose the carrying trade of the world. Make this railroad within our own territory, and our own vessels, from the increased population upon the Pacific, laden with the heavy products of our own and other nations, will more than quadruple our coasting trade, while our intercourse with Asia would soon probably be more than decupled. Without it, with the comparative decline of our mercantile marine, both in seamen and in vessels, our navy will fall also into absolute impotence; while that of England, aided by a railroad, will rule the seas and oceans of the world. Our mines, whether of the precious metals, of coal, iron, or of other minerals, and all the industry connected with them, will either decay or cease to progress; and our fisheries will have been struck with a deadly paralysis. A war with the combined Powers of the world will not so completely palsy all our industry and arrest our progress as would the command of the world's commerce by England, secured in the construction of this road through British possessions. When I endeavor through the vista of the future to look at these disastrous results, and then contemplate the wonderful progress that my country would make should she secure now and forever all the great advantages arising from the construction of this road, I am lost in amazement that it should find a single opponent in an American Congress. Is it in the American Capitol and in an American Congress that we shall strike down such great American interests, and by our votes give such a fatal supremacy to British interests and progress over our own? If there ever was an American question, it is this. If there ever was an enterprise in which the people of our country were united and enthusiastic, it is this. They appreciate and understand this question in all its great and comprehensive consequences. If their irresistible voice could be heard upon this floor, it would silence the petty jealousies of sections, and demand now, without a further delay, that this road should be commenced and prosecuted to its successful completion. The delay even of a year, or of a single session, may be fraught with the most disastrous consequences. If England precedes us in this great work, she may withhold from us large amounts of capital, and embarrass or destroy the prosecution of the road, if hereafter commenced. If we begin now with vigor and energy, hers may never be constructed; or, if it is, it will have been preceded by ours, and the commerce of the world will then have grooved itself into this great channel, stretching from ocean to ocean within our limits.

To the whole country it is the most important question that has ever been considered in the Congress of the United States; but to California, and the other great States arising on the Pacific, it is a question of life or death. By your refusal to build this road you isolate them forever from the rest of the Union. You place them more remote from you, in time and distance, than all of Europe and many portions of the Asiatic continent. You call them States, but you withhold from them all that communion of commerce and intercourse which binds them together with the other portions of this great Confederacy. You fail to defend them in case of foreign war, and you withhold from them all the advantages of foreign and domestic tranquillity. By your injustice you hold out to them the most fearful temptations to disloyalty and disaffection. You assail the stability of the Union in its most exposed and vital parts. Devoted as that people now are, and ever have been, to this Union, you hold out to them inducements to separation, by isolation and non-intercourse, such as never failed to produce disintegration in any other country, and such as it is unpardonable to present to any portion of the people of this country. On the other hand, proceed at once to the construction of this road, and your mighty empire on the Pacific will be linked to the valley of the Mississippi and the Atlantic by the ever-strengthening and ever-enduring bonds of commerce, of intercourse, and of affection. The great patriots of our country, at three successive periods of danger, by the united voice of the nation, are handed down to immortality as thrice having saved the Union. But if this Congress shall pass a law that will insure the commencement of this great work, in the present and all succeeding ages, and on the page of history, it will be hailed with ever-increasing gratitude as having placed the Union beyond the possibility of danger or disaster.

Table showing the lengths, sums of ascents and descents, equated lengths, cost, &c., of the several routes explored for a railroad from the Mississippi to the Pacific.

	Distance by air line.	Distance by proposed railroad route.	Sums of ascents and descents.	Length of level route of equal working expense.	Comparative cost of different routes.	No. of miles of route through arable land.	No. of miles of route through land generally uncultivable, arable soil being found in small areas.	Number of miles at an elevation above the sea between—									Altitude above the sea of the highest point on the route.	
								0 and 1,000 feet.	1,000 and 2,000 feet.	2,000 and 3,000 feet.	3,000 and 4,000 feet.	4,000 and 5,000 feet.	5,000 and 6,000 feet.	6,000 and 7,000 feet.	7,000 and 8,000 feet.	8,000 and 9,000 feet.	9,000 and 10,000 feet.	
	Miles.	*Miles*	*Feet.*	*Miles.*													*Feet.*	
Route near forty-first and forty-second parallels, from Council Bluffs, via South Pass, to Benicia	1,410	2,032	29,120	2,583	$116,095,000	632	1,400	220	170	210	160	590	285	270	107	20	...	8,373	
*Route near thirty-eighth and thirty-ninth parallels, from Westport, via Coo-che-to-pa and Tah-ee-chay-pah passes, to San Francisco	1,740	2,080	49,985	3,026	Impracticable.	620	1,460	340	276	165	318	466	170	60	155	80	20	10,032	Tunnel at elevation of 9,540 feet.
Route near thirty-eighth and thirty-ninth parallels, from Westport, via Co-che-to-pa and Madelin passes, to Benicia	1,740	2,290	56,514	3,360	Impracticable	670	1,620	275	308	190	143	725	284	110	155	80	20	10,032	Tunnel at elevation of 9,540 feet.
Route near thirty-fifth parallel, from Fort Smith to San Francisco	1,550	2,096	48,521	3,015	106,000,000	616	1,450	585	290	261	236	181	295	222	26	...	...	7,550	
Route near thirty-fifth parallel, from Fort Smith to San Pedro	1,360	1,820	48,862	2,745	92,000,000	420	1,400	354	202	236	210	185	295	222	26	...	...	7,550	Tunnel at elevation of 4,179 feet.
Route near thirty-second parallel, from Fulton to San Francisco, by coast route	1,630	2,024	38,200	2,747	†90,000,000	834	1,190	893	347	120	342	271	50	...	...	...	...	5,717	
Route near thirty-second parallel, from Fulton to San Pedro	1,400	1,598	30,181	2,169	68,000,000	408	1,190	478	337	120	342	271	50	...	...	...	...	5,717	
Route near thirty-second parallel, from Fulton to San Diego	1,360	1,533	33,454	2,167	‡68,000,000	374	1,159	420	305	125	362	271	50	...	...	...	...	5,717	

* Supposing the route to be a straight line, with uniform descent, from the Un-kuk-oo-ap mountains, near Sevier river, to the entrance of th Tah-ee-chay-pah pass—the most favorable supposition possible.

† The estimate of Lieutenant Parke for the construction of a railroad by this route, from Fulton to San Josè, is $82,812,750. Adding $2,025,000, the office estimate for the route from San Josè to San Francisco, Lieutenant Parke's total estimate from Fulton to San Francisco would be $84,837,750.

‡ The estimate of Lieutenant Parke for this route is $59,005,500.

The sum of the minor undulations (not included in the sum of ascents and descents here given) will probably be greater for the routes near the forty-seventh and forty-ninth parallels than for the other routes.

With the amount of work estimated for the roads in this report, the equated lengths, corresponding to the sums of ascents and descents, have but little practical value. With a full equipment and heavy freight business, the sum of ascents and descents becomes important.

SPEECH

OF

MR. GWIN, OF CALIFORNIA,

ON THE

TRANSPORTATION OF THE UNITED STATES MAILS

FROM

SAN FRANCISCO TO SHANGHAI.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 2, 1853.

WASHINGTON:
PRINTED BY LEMUEL TOWERS.
1853.

SPEECH.

The Senate having under consideration the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1854, Mr. Gwin offered the following amendment:

"*And be it further enacted*, That the Postmaster General be and he is hereby directed to enter into a contract for the term of five years, for a sum not exceeding —— dollars, with such person or persons as may offer sufficient and satisfactory security after due public notice, for the transportation of the mails of the United States, upon the best terms for the United States, semi monthly, from San Francisco, *via* the Sandwich Islands, to Shanghai, in China, and back, in steam vessels of not less than two thousand tons burden, of the best form of construction adapted to war purposes and the navigation of the Pacific ocean; the same to be ready in the shortest possible time."

I suppose it will not be contended (said Mr. Gwin) that this is not a proper amendment to the Post Office appropriation bill. I am anxious for the establishment of this line of steamers. The amendment now submitted is in the very words of that adopted during the last year, for a line of steamships between New Orleans and Vera Cruz.

The great project of our country, if not of the age in which we live, proposing to unite by a national railway the Atlantic with the Pacific, for all the business and social purposes of life, a measure to which our people from every part of this confederacy have been looking with the deepest concern, has unfortunately, as I think, for the welfare of the nation, been postponed and laid over for at *least* another year. Upon this topic it is now useless to dwell; but I cannot wholly conceal the mortification experienced in reflecting that a measure like this, confessedly of the first importance, about which I had hoped for a unanimity of purpose, and that its intrinsic merits would have rallied the Senate to its speady adoption, has suffered discomfiture and defeat from diversity of opinion upon its *details*. Having exerted the utmost of my humble abilities

to effect its passage, from a conviction that the enterprise is one of the noblest that could engage the attention of the representatives of the American people, and one of transcendent value to the public, I must content myself with the disappointment of postponement, in the hope that the Congress of the United States at its next session will enter upon this subject with renewed energies, with a determination to lay aside local views and sectional preferences, and in a spirit of concession pass a railroad bill, and provide for its execution with all the necessary means within the control of the Government.

There is, however, Mr. President, *another* measure, dictated by the same policy which originated and proposed a national railway, and that is the establishment of a line of steamships to carry the mails from San Francisco, in California, to Shanghai, in China.

The session of the Senate, now rapidly drawing to a close, admonishes me of the propriety of economizing every moment of our time; and it is, therefore, only from an imperious sense of public duty, not only to the people of California, but to the whole Union, that I venture, even briefly at this late hour, to claim the attention of the Senate, and ask its immediate sanction of a clause in the post office bill now pending, by which I propose to confer authority on the Postmaster General to advertise for proposals to carry the mail semi-monthly between San Francisco and Shanghai, the most northerly of the five ports to which, under our treaty of July, 1844, at Wang Hiya, we have the right of access. The terms of this section are brief, and easy of execution. Its purpose is to secure the services, upon the best and most economical terms to the Government, of a powerful class of steamers, and to delegate the proper authority to the Postmaster General, so that the object specified may be speedily accomplished.

It seems to me, sir, it is only necessary for the American statesman to glance at the leading public events of the last few years, affecting the commercial interests of our people and the world, to be struck with the importance of availing ourselves, without further delay, of every means of facilitating our trade and intercourse with Asia. In not doing this, an indifference to our commercial prosperity is exhibited; and not only that, but, I was going to say, we might lay ourselves

open to the reproach of remissness in a matter which, as legislators and patriots, it should be our chief aim to foster, promote, and advance, by every constitutional means at our command.

England has shown to the world, in her policy towards China, what *she* considered due to her subjects in her commercial dealings; and that, too, without stopping to inquire how far, in the eyes of other nations, she could be justified in doing so, in a moral point of view.

The opium war began in 1839 between England and China. The important island of Chusan was captured by the English in 1840. This is the principal one of the archipelago of islands on the Chinese coast, and commands the mouth of the great Yang-tse Kiang river as a maritime station, being four hundred and fifty miles from Japan and Corea—a voyage from them of less than a day and a half by steam. This was the prelude to the capture of Canton in 1841. The storming of an important point near Nankin in July, 1842, and the preparations for taking that ancient city itself, led the way to the treaty of peace in August of that year, by which the Tartar government of China agreed to pay $21,000,000 to the British for the expenses of the war, and for opium delivered in 1839 to the authorities of Canton, with certain liabilities to British merchants; besides opening, for mercantile purposes, *five* of the most considerable ports in the Chinese empire; being those of Canton, in 23°; of Amoy, 24° 30′; of Foo-Chew, in 26° 15′; Ningpoo, 29° 55′, and Shanghai, in 30° of north latitude.

In the conferences of Nankin, (or Kiang-nan, as it is called in China,) the Chinese, *for their own benefit*, and not for that of England, indicated their intention to open their ports to *all* nations, and this was agreed to on the part of Great Britain, who claimed and secured to herself, also, a participation in any advantages which China thereafter might concede by treaty to other nations.

The United States having previously enjoyed the right of commercial intercourse with Canton, became invested with the additional privileges of the other four ports, in virtue of the Chinese stipulation in the treaty of Nankin, in 1842. The Government of the United States, early in the year following,

took measures for the further security, protection, and extension of our maritime rights in the east; and accordingly, in May, 1843, a United States Commissioner to China was appointed.

Our rapidly-increasing trade with that empire, not only in the way of imports of tea and other articles of luxury, but in exports from *this* country, rendered it indispensable that the interests of this nation should be diplomatically represented there, in order to establish friendly national inter-communication, and to reduce our commercial rights to treaty form.

This resulted, under the management of the late distinguished Secretary of State, Mr. Webster, and of our skilful and accomplished envoy, Mr. Cushing, in the conclusion, on the 3d July, 1844, of the treaty of Wang Hiya, containing many valuable provisions not embraced in the British treaty at Nankin or its supplement, and expressly stipulating, in the fourth article, for the full recognition of consuls or other officers that the United States might choose to appoint, for the superintendence and protection of our trade.

By this treaty the United States are firmly placed upon the footing of the most favored nations, and have secured to themselves the trade with the *five* great ports mentioned; which are appurtenant to the most populous and richest provinces of the Empire.

The growing commercial power of this Government is now everywhere acknowledged by the civilized nations of the earth; and we are admitted to be a proud and dangerous rival of our transatlantic competitor for a full share of the trade with Asia. When the treaty of 3d July, 1844, was concluded between the United States and China, who would have imagined that it was the destiny of this nation permanently to establish its power, in less than four short years, upon the Pacific ocean, over a line of seacoast more than sixteen hundred miles in length, and almost equal to the original extent of our Atlantic maritime frontier?

From this new and commanding position, which, geographically and politically, places us in the first rank of the commercial communities of the earth, we can turn to the wide field of enterprise presented for the exercise of American

energy, and plainly anticipate benefits, of which it is no fancy sketch to say that the realization of the golden visions of Columbus, Cortes, or Pizarro, fade into insignificance when viewed in this comparison. The stores of mineral wealth, which their cupidity collected at the expense of violated humanity, and by deeds of wrong and cruelty, served, under the order of Providence, only to impoverish and ultimately bankrupt the parent land of those bold adventurers. Their only desire was to acquire, at any cost of bloodshed or iniquity, *boundless riches*. Our purpose is a peaceful and far nobler one. Seeking nothing from the violence which marked the career of Spanish policy towards the Indies and Continent of the western world; nothing from the reluctant subservience of down-trodden authority, we struggle for a power approved by reason and good conscience, and a wealth which, generously expended, will administer aid to the great cause of human progress.

In pursuit of these objects, we must discover at once the efficiency of the auxiliary now proposed to be created in the establishment of a certain, direct, and periodical intercourse by steamships with the five ports now legitimately open to us. This will be the beginning of an expansive commerce, not only at those ports, but will be the prelude, at no distant day, to a trade which, passing these portals of the empire, shall reach its vast interior, abounding in wealth, and in the productions of every department of human industry.

Here before us, fronting our Pacific possessions from the east, and washed by the waters of the same ocean, lies the Empire of China, three thousand miles long by two thousand broad, covering an area of five and a quarter millions of square miles, intersected by mighty rivers, some of which may be compared to those of our own land. The Hoang Ho, or Yellow river is an instance, taking its rise between two ridges of mountains, in the northwest of China, and flowing southeasterly, with a direct course of some twelve hundred miles from its mouth, and nearly two thousand in its numerous detours, disemboguing about two hundred miles north of Shanghai, and having for its basin an area of seven hundred thousand square miles. There is also the Yang-tse Kiang, or "Girdle of China," as it is called, a beautiful and tranquil

river, rising in the southern declivities of the mountains near the source of the Yellow river, and running in its general course a southeasterly direction, a distance of one thousand eight hundred and fifty miles from its source, and three thousand in all its windings, disemboguing between the thirty-first and thirty-second degrees of north latitude, about seventy miles north of Shanghai, with an *embouthure* thirty miles wide, and navigable a distance of two hundred miles, as far as Nankin, for the largest sized vessels, draining a basin of seventy-five thousand square miles.

There is no country in the eastern world which can compare with China for great natural facilities of inland navigation. Its canals are innumerable, one of which, the Yunho or Transit canal, constructed in the fourteenth century, is a stupendous work, eight hundred miles long, with its banks protected by masonry, and connecting the two great rivers I have mentioned, where they approach each other. Besides these main arteries of interior connexion, there are numerous other rivers, emptying into the oceans along the coast, which is lined in its whole extent with islands.

This immense empire, abounding in coal, anthracite and bituminous, crystalized gypsum, marble, sandstone, nitre, rock salt, common salt, the ruby, diamond, amethyst, garnet, agate, and other precious stones, with the precious and useful metals, is held, as we all know, by an industrious, acute, and ingenious people, with an extensive and cultivated literature, and possessing a wonderful knowledge, as they have for ages past, of most of the arts and sciences. The attention of the commercial world, however, has been mainly drawn to China on account of its great staple, tea, the principal article of export; of which, as their botanists say, there are two hundred varieties. But besides this, a large export trade is carried on in Nankin cloth, porcelain, rhubarb, ginger, mercury, zinc, borax, shawls, mother-of-pearl, and ivory goods in great diversity.

Added to this great political division of Asia, we have, lying almost at its doors, and situated upon the ocean track, which the clause I have presented contemplates for the line of mail-steamers, the empire of Japan; between the 31st and 46th degrees of north latitude, and the 129th and 143d de-

grees of longitude east of Greenwich; consisting of a group of islands, the principal of which are Niphon, eight hundred miles long by eighty-six in breadth, Kiusiu, Sikof, also a part of the Kurile islands, and of Saghalien; the whole covering a surface of two hundred and seventy thousand square miles.

From this empire, the European commercial world, except Holland, is wholly shut out by the stringent and exclusive policy of the court of Yeddo, the political capital, and the residence of the Seogoon or Emperor. Even that nation is limited to a trade with the port of Nangasaki, situated in latitude 32° 30′, on the western side of Kiusiu, one of the Japanese cluster. In looking at the controling position of this chain of islands, their resources and facilities for trade, their exuberant supplies of the treasures of the earth and handiwork of man, the high state of mental culture of their inhabitants, much greater even than that of their neighbors, the Chinese and Coreans, it is a matter of astonishment that this condition of affairs should have continued until the present time.

We find this country, known to the Portuguese half a century after the discovery of America by Columbus, when one of the Portuguese ships was wrecked upon its inhospitable shores. This was the beginning of a lucrative commerce between the two nations, and led to an immense exportation to Macao and Goa; but resulting, in consequence of religious interference and intolerance, in the expulsion of the foreign traders by the Japanese authorities in less than a century after the Portuguese Mendez Pinto was cast away upon the coast of Japan. In like manner, two centuries and a half ago, the Dutch obtained a foothold there, through the tact and skill of an English pilot, who actually secured for Great Britain a treaty of special commercial privileges in the year 1613; in consequence of which the English East India Company established a factory at Firando from which they were subsequently driven by the jealousy of the Dutch.

The political events since that period show that this treaty has never been insisted upon on the part of the British Government as having any binding force. In 1813, when the British captured the island of Java from the Dutch, Sir Stamford Raffles, as lieutenant governor of the island of Java and

its dependencies—a man who saw the value of this trade, and made an effort to open the way for it with Japan—dispatched an embassy to the court of Yeddo, which resulted in nothing, the prejudice against foreigners having, perhaps, been increased towards the authorities of Great Britain on account of the violence they practiced towards the Dutch, when the English ship-of-war Phæton, under the command of captain Pellew, visited that country in 1808. In 1814, Raffles addressed the governor-general of India, (Lord Minto,) stating that the "trade hitherto carried on with Japan forms no criterion by which the extent and value of the trade is to be judged, when a more liberal and upright system is practiced;" that "the restrictions which exist do not arise so much from the limitations and institutions of the Japanese as from the nature and constitution of the Dutch factory, the degraded state of which would appear to have sunk the Dutch character very low in estimation;" that "the subject in every point of view is most important;" "the permanent establishment of British interests" was "almost within" his grasp, and that he should consider it "a dereliction of public duty did he not strain every nerve to effect the accomplishment of an object in every way so inviting and so interesting."

From some inexplicable cause, the subject was passed by unheeded on the part of the British Government; the treaty of 1613 was never enforced nor insisted upon, and the subsequent visit to the Bay of Yeddo, in 1818, of Capt. Gordon, commanding a brig-of-war, of Captain Sir Edward Belcher, in 1845, in the Saramang, and the last visit, in 1849, of Captain Matheson, of the sloop-of-war Mariner, resulted in nothing promotive of commercial intercourse. Nor have the visits of the Russians and French, at different times, been more successful.

It is a singular fact that the *first* direct aggressive act upon the restrictive policy of Japan was on the part of an American merchant ship, Eliza, in 1797, commanded by Captain Stewart, which was employed by the Dutch to carry on their trade with the Japanese, on account of the war between England and Holland, during the subjection of the latter to France. Since then, at various times, American vessels have put into Japanese ports in distress; our ships have been

wrecked and driven on their shores, exposing their crews to the certainty of cruel treatment and imprisonment. These accidents and outrages attracted the attention of Government to the necessity of protecting our merchant vessels in those latitudes, and especially the squadrons of whaling ships that traverse the Japanese seas in their lawful vocation, passing the Straits of Sangar which separate the great island of Niphon on the north from the island of Yesso. Accordingly, in 1846, negotiations were attempted with the court of Japan, through Commodore Biddle, commanding the Columbus, of ninety guns, and accompanied by the United States frigate Vincennes, bearing with him a letter from the President of the United States to the Emperor of Japan "to promote friendship and commerce between the two countries."

The imperial reply was, that "no trade can be allowed with any foreign nation except Holland." In 1849, the United States ship Preble was dispatched to rescue a number of sailors belonging to the whale-ship Ladoga, who had been held in close confinement and captivity for a year, and cruelly treated by the Japanese authorities. The necessity for some decisive step for the protection of our commerce in the Japanese seas, and for the extension of the shield of the Union over our enterprising and daring navigators, in quest of the products of the deep, and in lawful trade, being unmistakably manifest, led to the present expedition which is fitting out for the east. It is a source of gratification to every American that this expedition, with a complement of four thousand men and three hundred and thirty guns, bearing, also, all the evidences of the civilization, improvement, and power of our country, is commensurate with the important and humane purpose which our Government has in view.

This expedition will rendezvous at the Sandwich Islands. These islands are ten in number, and the largest (*Ha-wai*) has a surface of four thousand square miles, and a population of one hundred thousand persons. This remarkable group, which occupies a most prominent position in Polynesia, has justly been regarded as the natural stopping place for vessels sailing from the coast of California to China and Japan, and is the resort of hundreds of our whaling-ships every year. Indeed, they are destined, at no very remote period, to be the

grand depot of nations trading between the western and eastern continents.

The great Humboldt declared that the Isthmus of Darien was the principal barrier to free intercourse between Europe and Japan in his day, amounting almost to an interdict. He predicted that this interdict would continue until the Atlantic and Pacific oceans were united by an isthmean canal at Panama; regarding that narrow neck of land as the bulwark which had for ages forbidden all attempts to surmount it. It has been forcibly said, by a very able political and commercial writer in London, that this "bulwark has been breached, and various circumstances have transpired to alter the features of the case, and to bring about a rapid change in the tide of commerce and the progress of trade;" that "the British have established themselves on the frontiers of China, and in the heart of the eastern Archipelago, and have compelled respect to their flag and freedom to their trade;" that "energy and enterprise have constructed a railroad across the isthmus of Panama, and the gold discoveries of California, and the colonization of Vancouver's island, have settled a vast and industrious population on the western seaboard of the American continent, and led to the establishment of new lines of steam navigation, and an immense tide of commerce and navigation;" that "the opening of the Nicaragua, Tehuantepec, and other practical routes of intercommunication between different points on the Atlantic and Pacific has been undertaken by various companies;" that "steam communication has been extended from India to China," and recently to the British "Australian settlements by the way of Singapore and Java;" that "there has also been a great increase in the European and American shipping employed in the Indian and China trade in general commerce, and the whale fishery on the Pacific;" that "the Americans have largely extended their whaling fleet, and prosecuted the fisheries very successfully to the seas and coasts of Japan and her northern dependencies, to the gulfs of Tartary and Okotsk, the sea of Kamtschatka, Behring's Straits, and the Arctic ocean;" and that "the port of San Francisco, California, is destined to become the great mart and entrepot for American commerce on the Pacific, with China, Japan, and all the maritime countries of Asia, Polynesia, Oceanica,

and Australia, which embrace an aggregate population of upwards of six hundred millions."

The same writer refers to the fact of the position which Japan occupies to our American possessions on the Pacific, to the fleets of American whalers in her seas, and to the certainty of robbery and death when the unfortunate whaler is driven upon her shores; and forcibly represents that her insular geographical position, her "excellent ports and harbors, dense and industrious population, her boundless productive resources, and vast capabilities for commerce, her superior intelligence and refinement of her princes and nobles, together with the skill, energy, and enterprise of the Japanese people, justly entitle her to rank above every other Asiatic nation;" that "by a judicious relaxation of her restrictive policy, all these unrivalled natural and political advantages could be made available for conducting a very extensive and profitable trade with various countries, both on the Atlantic and Pacific, without compromising either her sovereignty, national religion or peculiar institutions;" and that "she will now be compelled by force of circumstances to succumb to the progressive commercial spirit of the age, and the Japanese islands will eventually become to the east what the British islands are in the west." Such is the golden prospect before us, for a realization of which events are now hastening this Government. Let us begin, then, by the immediate enactment of a law by which we will be prepared for the future. Let us first, and at once, establish this steam oceanic line of communication with the great port of Shanghai, in China, a distance of only five thousand seven hundred and seventy-five miles from the commercial emporium of the Pacific, as shown upon a sketch map, which I have had prepared on Mercator's projection, and to which I would ask the attention of Senators, as it indicates at a glance the position we occupy commercially, and the several distances from our western ports to the trading points in the East of South America, of the island of Polynesia, Oceanica, and Australia. Let us seek for a more active and enlarged participation in the present immense trade with the Chinese Empire, in which we *now* share to so *small* an extent.

How is it possible we should remain insensible to the importance of this subject, when every day's experience reveals to us the splendid monopoly of trade which our great transatlantic rival has enjoyed, and still possesses. The memorials and reports, which are constantly pouring in upon us, leave no apology for want of information upon the subject. It is represented that the English importation of tea for the last sixty years is nearly two thousand millions of pounds, (their present annual importation being about fifty-six millions of pounds,) and in that period, that Great Britain has derived from her trade with that country nearly $1,000,000,000, whilst the value of our importations, during a like period, have but little exceeded $258,000,000, and our exports $86,000,000, leaving the difference to be paid for by us in the precious metals, instead of the fabrics and commodities of the country. Notwithstanding all the impediments growing out of the great maritime strength and capital of Great Britain, our commerce, by the wonderful and expansive energies of our people, is now rapidly increasing. In the official report of the Secretary of the Navy, of the 22d of last month, he estimated our annual trade with China at from $16,000,000 to $18,000,000, and in fact, we find, so far as the returns to the treasury for 1852 exhibit, that our imports in that year amount to $10,593,950, whilst our exports, in domestic cottons, &c., according to the same returns, are but little over the fourth of that sum. Now, the Chinese have felt the importance of their foreign trade, and no stronger evidence of this can be adduced than the fact that, of their own volition, they expressly stipulated in the British treaty of Nankin in 1842, as I have already stated, for the opening of her five principal ports to the commerce of the world. Let us remain no longer insensible to the advantages before us, but avail ourselves of them by the use of every means within our reach. Then, not in a spirit of sectionalism, as a representative of California, honored though I am by holding that position, but as a citizen of this Republic, proud of my native land, every inch of it, and of the American name, do I predict that the emporium of California will soon, in every respect, be the New York of the Pacific, standing as a rival of the great

commercial capital of the Empire State of the Atlantic, each striving which shall confer the greater blessings on the other, and upon their common country, which will add to each new elements of wealth and refinement, and whilst diffusing them all over the surface of our blessed land, will confer new strength, dignity, and power upon the whole American Union.

Hon. Thomas F. Bayard
Compliments Henry E. Highton
12.

TWO ORATIONS:

BY

HENRY E. HIGHTON,

Grand Orator F. & A. M.

IN THE

STATE OF CALIFORNIA FOR THE YEAR 5883.

Dup. 15
D. of D.

"GARFIELD."

"THE FUNCTIONS OF FREE-MASONRY IN MODERN SOCIETY."

SAN FRANCISCO.
BACON & COMPANY, PRINTERS,
508 Clay Street.
1883.

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ORATION

DELIVERED BY

HENRY E. HIGHTON,

GRAND ORATOR F. & A. M.

AT THE

Laying of the Corner Stone of the Garfield Monument

BY THE WORSHIPFUL GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE STATE OF CALIFORNIA,

At the Request of the Garfield Monument Association,

IN GOLDEN GATE PARK,

SAN FRANCISCO, FRIDAY, AUGUST 24TH, 1883,

AND DURING THE TRIENNIAL CONCLAVE.

MOST WORSHIPFUL GRAND MASTER AND BRETHREN, MR. PRESIDENT AND MEMBERS OF THE GARFIELD MONUMENT ASSOCIATION, AND FELLOW-CITIZENS:

It is often said that the age of great oratory, of great poetry, of great dramatic works, is over. In a certain sense the assertion is true. The world of fact, with its ever-developing possibilities, has taken the place of the world of the imagination. The human mind, trained and educated by the very process of acquisition, is no longer compelled to evoke from its own mystic depths, the thought that stirs, the imagery that thrills, the dark phantoms that tear, the human

heart. We live, nevertheless, in a period of terse and inspiring eloquence. Nature, with its innumerable forms of grace and beauty, addresses hourly an illuminated and enfranchised intelligence. Law, with its myriad voices, tells us of order and of applied justice that exclude the arid theory of chance. True science, often confounded with the mere assumptions and formulas of mental egotism, spreads from pole to pole exact and useful knowledge. Discriminating history gathers up the records of the past and warns and instructs us by its lessons. The acts, the ideas, the words, of men are heralded through all the zones. And while, in the wondrous increase of organized communities, individual importance is being steadily diminished, unrestricted intercourse is blending humanity into a net-work of relations, which transcend goverments and territorial divisions, and, in the midst of strife and apparent confusion, are solving the most difficult problems that have been transmitted to us through the statesmen and philosophers of six thousand years. It is not surprising that, in such a complex aggregate of realities, in which the miracle of the Creation is perpetuated and expanded, the genius of fiction, the productions even of the loftiest intellects of all time, are eclipsed. Civilization at once epitomizes and magnifies the grandest conceptions of the poets. The daily achievements of man upon land and sea, the diversified industries in which he is employed, the advance of liberty through all the grooves of trade

and commerce—multiplying the comforts and elevating the general level of populations—constitute a ceaseless oration, which excels the measured rhetoric of Demosthenes and of Pericles. And every man who is not a drone and an incubus, one of the supernumeraries of society, is himself an actor from the cradle to the grave in a perfect drama, which depends upon no legend for its origin, which will end only when the consummation of humanity shall be accomplished, whose Author and whose Finisher is God.

This glittering pageant, which is born not all of joy nor all of sorrow, and in which the diversities and even the antagonisms of every part of the Union are grouped and harmonized, is full of an intense significance which History will apprehend and describe, and which it is my duty to the extent of my ability to interpret.

In the presence of this vast multitude, the oldest of human institutions and the newest phase of civilization have met together, and Free Masonry, type of the severe and of the antique, has exercised a normal function by cooperating with civil society in a simple act, designed to mark a great calamity and a great triumph. The calamity was the death by violence of a man who had been elected President of the United States, and who was in himself an illustration of the excellence of our national institutions; the triumph is that of constitutional freedom and order in a continental Republic.

We are assembled here, not under the invocation of a barren science that would emasculate the world of all that is not visible or susceptible of explanation through an arrogant human intelligence, but in the name of God, the Supreme Architect of the Universe, the Creator of Heaven and Earth, the Source and Origin of the forces and laws that have developed and shaped both men and nations, to place on the extreme western verge of the American continent the foundation of a durable memorial to human progress as illustrated by American institutions and by the American people. A stone, accepted by the builders, though formally dedicated to the memory of the dead, has yet become the chief corner of an arch that extends from where the roar of the Atlantic sounds in the ears of the descendants of those who gave their life-blood to the Revolution to where the soft whispers of the Pacific tell of peace and harmony that overspread the nation. The monument at Bunker Hill, on which, from base to apex, the patriotism of Webster was poured, gives bond for the enduring gratitude of the American people to those who laid the corner stone of the Republic, and now, on this opposite shore, we propose to erect a monument, which, through an individual life and death, shall attest to all future generations the completion of its structure. The sun, pursuing its majestic course across the sky, shall bathe them both in meridian splendor, and, when its last beams play upon the summit of the col-

umn at Bunker Hill, its full refulgence shall yet irradiate the bronzed features of our martyred President, whose personal career ended with the assured perpetuity of the Union, through the consent of ALL his countrymen.

In every aspect this scene is representative, impressive and inspiring. The various orders of knighthood illustrate the virtues without the fanaticism of the Knights of the Crusades and of the Middle Ages. The Brethren of the Mystic Tye, deep in their knowledge of the essentials of human happiness, possessors of a craft upon which all forms and outgrowths of Free Masonry rest, whose every act is a symbol, are here to affirm that God still reigns, and that law is not disturbed by physical assassination on the one hand or by the homicidal propensities of those who would kill the soul of man on the other. The Grand Army of the Republic is here to do justice to the memory of one of its most respected comrades, to participate in the new era of complete reconciliation, to prove that crimson war, in its destructive sweep, has nevertheless elevated mankind and become the stern messenger of lasting peace; that it has promoted discipline and cleared the way for debate and legislation; that it has aroused ambition and made opportunities for its gratification; that it has stimulated patriotism and thus excited the noblest emotions of the heart; that it has been the rude precursor of those methods which insure the reproduction, the multiplication and the prosperity,

of the human family. Every department of the Municipal, State, and Federal Governments is here, through its chosen delegates, to exhibit the independence and interdependence of every part of our political machinery. The members of the Garfield Monument Association are here, comprising every class of our best citizens, of all parties and religions, to witness the result of their generous contributions for a high and patriotic object. And ye, venerable pioneers, who, more than a generation ago, heard "the wash" of this "human sea," and prepared a home for free-born and independent men and women—ye, too, are here, bearing upon your broad foreheads the seams and scars of many conflicts, and upon your heads the snows which purely mark your advance towards eternity—ye, too, are here, with lips still moving to reminiscences of toilsome journeys, of hard struggles, of endurances which taxed all your strength, with eyes still retaining the fire they caught in eager watching for the golden-tinted West—ye, too, are here, in all the gathered wisdom of a crowded past, with hearts yet glowing with enthusiasm, American in core and substance—ye, too, are here, honored, respected, beloved, the commanding and yet vanishing figures of an epoch whose achievements shall brighten the record of your country and of your race.

Here Chivalry and Beauty, the distinctive and yet blending types of the North and of the South, are united in the hearty embrace of the great West. We

are here in the name of all that is pure and true and self-denying, stern in principle and flexible in manner, in the theories and practices of civilized men. We are here where softest skies are mirrors of the beauty and the majesty of the earth in bud and flower and fruit, and in the rugged mountains that tower towards the heavens while their broad bases indissolubly unite us to the Union. We are here, O land dear to my soul! where life blooms and ripens by almost imperceptible processes, and age itself freshens in the fountain of a perpetual youth. We are here, O men of many climes and many industries and many sentiments! to blend into a pathetic harmony beside the murmuring sea, to collect and distribute through the arteries of the nation the rich juices of a liberal patriotism. And we are also here to send out our protest against pauperism, lawlessness, and crime, and the message of our determination to maintain the purity and the integrity of the Caucasian race, to which we belong, on the heaving waves of two oceans, types of the restless aspirations of man for perfection in this world and for happiness in the next.

In these generalizations, the special object of the day has not been overlooked, but I have endeavored, and shall still endeavor, not to narrow the conceptions which naturally arise from this ceremony to the limits of the personal elements in individual lives. I have not forgotten that black night, eighteen years ago, when, in a Washington theater, Brutus was carica-

tured by a melodramatic actor, and the great and tender-hearted Lincoln, with his last loving message almost quivering on his lips, was foully murdered, nor how the fiery indignation of the North was almost quenched in the tears of the South. I have not forgotten—who can ever forget?—that second tragedy near the same spot, when the constitutional executive of the American people received his death-wound from a disappointed office-seeker; and I recognize—who can fail to recognize?—the sweet uses of adversity in the burial of all dissensions around the couch upon which he finally slept. Both of these men were distinctively American, and distinctive products of American institutions, and, in their lives and deaths, the virtues and the dangers of our political and social conditions were most comprehensively exhibited.

Before an audience like this, in which the knowledge and the capacity of the speaker are perhaps everywhere surpassed, it would be useless, even if it were possible, to deal at large with the details of contemporaneous history. A very few facts in the life and surrounding the death of James Abram Garfield will supply all the materials upon which I deem it necessary to comment. He was born November 19th, 1831, in Cuyahoga County, Ohio, when that great State was comparatively undeveloped. He grew up, not on the streets of a large city, but on a farm, and his early years were marked, not by want but by the usual hardships which attended the establishment of

new settlements. At the age of four he took up the alphabet and soon learned to read, and became the best scholar in the neighboring school. He was an ardent student, possessed of great self-restraint, but combative and determined. At sixteen his mind was saturated with the literature of the Revolutionary period, now almost forgotten, and he had acquired those principles which governed his subsequent career. He now did a man's work, and it is said of him that, in the fullfillment of a contract, he chopped and piled up two cords of wood per day, devoting his nights to the study of the rise and progress of his country. In 1848, he drove horses during the season for his cousin, Amos Letcher, on the Ohio Canal. Soon afterwards, with seventeen dollars in his pocket, he commenced a new educational era at the Geanga Academy in Chester, and was finally enabled to graduate at Williams College, Massachusetts. He was made a licensed preacher of the Christian denomination. In 1859, he entered the State Senate of Ohio. Shortly after the war broke out, he took up arms in defense of the government, and rose to the position of Major-General of Volunteers. In 1863, he was elected a member of the House of Representatives, and, having resigned his commission in the army at the earnest solicitation of public men of the day of both parties, he took his seat on the eighth of December of that year. He remained in the lower House of Congress for fourteen years, and was then sent to the

Senate of the United States in the place of Allen G. Thurman. June 2d, 1880, in consequence of an irresistible movement among the delegates to the Republican National Convention at Chicago, he was nominated for the Presidency, and in the campaign which followed exemplified the ideas that had possessed him in his early manhood. In his letter of acceptance of July 12th, 1880, he said: "The best thoughts and energies of our people should be directed to those great questions of national well-being in which *all* have a common interest."

In the same letter he expressed his firm reliance upon "the intelligence and patriotism of the people and the favor of God." At New York, August 6th, 1880, addressing the "Boys in Blue" he prophetically viewed the Republic as rising "on the glorious achievements of its dead and living heroes to a higher and nobler natural life." He was elected, and March 4th, 1881, installed in his high office. In his Inaugural, as in many of his previous utterances, he rose above the level of the partisan, and, reverently invoking "the support and blessing of Almighty God," appealed to the whole country "for that earnest and thoughtful support which makes the Government in fact as in law a government of the people."

When the sad presentiment attributed to his mother was fullfilled, and he was struck down, July 2d, 1881, expressions of heart-felt sympathy flashed over the wires, not only from every portion of our own

country, without distinction of party or sect, but from rulers, statesmen, and other men of worth and note, in every quarter of the habitable globe. The people everywhere forgot their divisions, and melted into a tender and growing anxiety, which deepened hour by hour during the long, fluctuating, and heroic struggle of our President with death, until September 19th, 1881, when, as his last breath was drawn, and the painful endurance of seventy-nine days of suffering ended, it culminated in a sorrow so universal and so sublime as to be almost without a parallel in history. General Garfield passed away in the height of his powers, just two months short of fifty years of age; and seven days later his remains were deposited in the tomb with ceremonies which were duplicated in almost every considerable city or town in the United States; and the "humiliation and mourning" recommended by the Proclamation of his successor entered every home throughout this then doubly-consecrated land.

In a letter dated September 22d, 1880, Judge Black, of Pennsylvania, so recently gone to join his friend and associate, in the very heat of a political canvass in which they were on opposite sides, thus referred to our deceased President: "Intellectually he is first among the politicians of his party—not the sharpest or strongest, but the most gifted and the best cultivated." This tribute from a political foe was appropriately supplemented by President Arthur in his Message of December 6th, 1881, in words that will be

honorably remembered by our descendants: "The memory of his exalted character, of his noble achievements, and of his patriotic life, will be treasured forever as a sacred possession of the whole people."

During the short but eventful career of Garfield, some of the most important events in human history had transpired. Empires, freed from imperialism, had been carved out of dark forests and almost endless plains. Great industries had been developed and spread from shore to shore of the Republic. Education had diffused its glow among fifty millions of population. Wealth had accumulated within our borders to nearly fifty billions of dollars. In the heat of a fratricidal war, the bolts of the Union had been riveted, and the Constitution stretched its ample folds, which in their continuity resembled the "seamless coat of Christ," over a united people, among whom the rights of man, the autonomy of States, and the freedom of municipalities, were alike secured and protected.

But what of the life itself? What principles did it vindicate? What lessons did it teach? What heritage did it leave, into which we and all our countrymen have entered? It was not perfect—but what life is perfect? It was not complete, for it was prematurely cut short. But it was vigorous, successful, useful, and distinguished by four cardinal points—Faith in God, Confidence in the People, Obedience to Law, and a Deep Sense of the Dignity of Labor.

The man thus filled the measure of a good citizen, and rose by slow degrees from a humble walk in life to be a scholar and a thinker, a legislator, a soldier, a statesman, and at last to be withdrawn from the slippery platforms of party to the high eminence of Chief Executive. He thus vindicated ideas which are pervading modern society. His elevation was not due to the patronage of the wealthy or the influential, but to the upward pressure of the people, loosed from the iron clasp of imperialism and feudalism by the forces of American institutions, grounded on man as the unit of all earthly organizations. He was a type and an illustration of the possibilities of men, when permitted to dig out their own channels of labor and to accomplish their own destinies, in subjection only to laws originating with themselves, and based on principles which flow from the only Being who has the power of creation.

The four cardinal points in the character of Garfield are, in my opinion, apart from every other consideration, essential to the expansion and health of this nation. I have said elsewhere that the Government of the United States is not sectarian, but that it is not Pagan, and it is not atheistic. I take the liberty, and most appropriately as it appears to me in this presence, not only of repeating but of enforcing the observation. In the name of him whose memory we this day revere, I protest against the atheistic tendencies of the age, and I assert that a reverent consciousness and application of the limitations which surround our

reasoning powers are practically important in the conduct of life everywhere, and above all in American communities. Even superstition is preferable to the moral and mental autopsies of narrow-headed competitors with the Almighty. The two ends of mortality are enclosed by the sphere of eternity. Applied to the standard of the Infinite the human mind is measured by the inch, and those productions which to itself appear the greatest, are often mere plays upon thought. The thankful recognition of existing truths is one thing—overweening self-confidence or inflated vanity is another. The people *can* govern themselves within the limits I have sought to describe or to suggest, but their entire strength could not alter a single law that flows either directly or mediately from the Creator. Lying and stealing could not be converted into virtues by all the voters in the United States. Their combined power could not prevent the ebb or flow of a single tide, or prolong the life of the smallest insect that had existed for its allotted time. Their will, aided by all the resources of science, could not arrest the fleeting breath of their President, made sacred to them not merely by his office, but by his personal sufferings. In truth, the only power man has over the most vital issue here is to mitigate pain and to anticipate death. I am deeply convinced that, in the training of our mental faculties, nothing can be more essential than to avoid that which, though it may be realized and acted upon as a fact, is

beyond analysis and explanation, and that this proposition is pre-eminently true of American communities, in which mental activity needs to be controlled by discipline and stability. We must realize, and act upon the belief, that the foundation of all things material and immaterial is not abstract law, divorced from a law-giver; not self-generating, independent force; but GOD, a PERSONAL WILL, penetrated by the perfect attributes of LOVE, JUSTICE and TRUTH, of which the whole universe is but the multiform expression. This is the rock upon which, and upon which only, self-government can securely repose; this is the plain and massive corner-stone of the Republic.

We fail in our conceptions and in our standards, and it requires ages of strife and often of blood-shed to obtain a knowledge of truths, which, when the protracted labor of investigation is over, surprise us by their simplicity. The motive power of every act through which the SUPREME RULER governs the world is as plain, when separated from the intricate processes and results of its expression, as a leaf upon a tree, or the footprints of the huge monsters of the antediluvian period. What we term the "laws of Nature", by which its balances are preserved and its numerous forms of strength and loveliness upheld, are intelligible by a child, though revealed through the arduous labors of a Copernicus, a Galileo, or a Newton. The principles which underlie moral laws, though they may have tested the mental powers of an Aristotle, a Democritus,

a Bacon, or a Locke, are clearly discerned at last by the most rudimentary minds. And yet the universe itself, physical, intellectual, moral, and spiritual, moves on in symmetry and in grandeur in silent obedience to these laws and to these principles—the mighty procession of the CREATOR—the awful pageant of GOD.

By the process through which we have been passing we derive a lesson from the life we are discussing, and reach a just conception of self-government, which is possible within and impossible without the boundaries I have sought to define. Some European statesmen believe that an intricate civilization necessarily complicates the functions of government, and that artificial devices must be employed to regulate all matters in which communities are interested. That view however, originates in the system in which they and their predecessors were trained. The American theory is directly the reverse; and it is true, because it is rooted in organic law and in the necessities of the race. Mere form is nothing and substance is everything in our references to the past; and substance consists, not in that which can be seen, but in that which coheres and upholds and moves and governs the visible. We find that history itself is as full of fallacies as science. The desire for self-government is not new, but old. It was born with Adam, and it has ceaselessly struggled to acquire, *first*, the capacity, and, *second*, the opportunity, for its exercise. The Asiatic forms of government represent the infancy of man. The Declaration

of Independence, acknowledging the fact of a delegated will to each individual, accords with the Providential plan, and exemplifies that which is oldest and most durable in the records of humanity. Suns and stars may pass away; but individuality, the sovereignty of human beings over themselves, subordinated only to the POWER that created them, is a solid and an indestructible truth. Every form of government exists only so long as the will of the people suppresses their physical energy; and the people are not multiplied in strength by the co-ordinated "accidents" of life, but through that deepest process of instruction which ultimately separates the false from the true. Our government, in its mere framework and machinery, may be a product of modern times, but, in a true sense, it is the outcome of forces that have been active through all time; and—based upon the fact that man in himself, apart from what we call "chance" or "circumstance," is the natural unit of political society—its foundation is as deep in principle as the old red sandstone in the stratification of the rocks. As Shasta, standing majestically among the surrounding hills, though its wooded sides and its snowy peaks may be temporarily obscured by the smoke of destructive fires, emerges at last, massive and pure, in the clear sunlight, so our constitutional system, the outgrowth of eternal principle, will emerge from the fiery trials of war and the mists generated of corruption.

But it cannot be too impressively urged that subor-

dination is the primary condition of liberty, and that the tendency to insubordination is one of the great evils against which we have to contend. The act of the assassin of Garfield was to no inconsiderable degree the consequence of this bad element in our social and political structure. Garfield was not a victim of a conspiracy. He was not singled out by internationalists or nihilists. He was not, like the Czar of Russia, assassinated solely from motives of revenge. He was simply murdered by a man whose egotism, while it did not affect his mental or legal responsibility, rendered him morally imbecile. The privileges which were accorded to him, the deliberation and patience with which he was tried, were additional evidences of the self-possession of the people and of their confidence in their officers and tribunals.

Order, which means subordination, is the first law not only of Heaven but of earth. It is indeed an universal law, broken as effectually by those who fail to acknowledge the dividing line between knowledge and omniscience, as by those who in a blind struggle for an equality of condition, which is often inconsistent with an equality of right, would obliterate the eighth commandment, and employ human energy not in enlarging its own capacity and productiveness, but in an unending succession of divisions between the capable and the incapable, the fortunate and the unfortunate. Labor, inspired and guided by intellect and by integrity, and held voluntarily but strictly

within those bounds which it cannot safely pass, is at once the handmaid of nature, the fructifying power of the successive generations of men, and the best and only preparation for that immortality, whatever its form, to which all the processes of human development, and the intuitions and experiences of individuals, point with demonstrative unanimity and certainty. The ingenuity, the inventive faculties, the brutal passions of men will be, as they have always been, exercised in vain, in the effort to supersede the mandate of the Creator, that in the sweat of our brows we should earn and eat our daily bread. And, in the analysis of communities, it will be found that the unproductive classes, whether high or low, coarse or refined, in their external conditions, are essentially of one substance, and connected by the inelastic bonds of selfishness, covetousness, and idleness. Arrested humanity is held in chains that Providence has forged and petrifies into a death which for the world has no resurrection. There, as in the once resounding halls of Herculaneum and Pompeii, after long ages have elapsed, the removal of the rocks and lava thrown out from the irruptive depths of a seething civilization, will reveal no change, no vitality, no remnant of organic life, but only the stony features of a rigid and unending despair.

And humanity may be arrested by wealth as well as by poverty. The very process of accumulation beyond a certain limit, whenever riches become the end

instead of the means and the love of money usurps the place of the moral law, is a process of petrifaction in which the mind, the heart, the soul, are solidified, and for all human objects destroyed. Enterprise, enthusiasm, faith, hope, charity, expire in a death which knows no waking; the warm blood of life is frozen in its natural channels, and there remains but a shrunken, deformed and hideous statue, inscribed with the warning epitaph of deliberate moral suicide.

I have endeavored to extract sound moral lessons from the life and the death we are commemorating, and to indicate methods in which the memory of Garfield may be most worthily perpetuated. I have sought to prove that his career was wrought out through great truths which permeate our system---FAITH IN THE DEITY, CONFIDENCE IN THE PEOPLE, APPRECIATION OF THE DIGNITY OF LABOR, and OBEDIENCE TO LAW—which the manner and causes of his death antagonized. The remainder of my task will soon be finished. Mere display for its own sake is the weakness of the barbarian. In the United States, with its mixed Caucasian population, exhibitions like those of the present week have a higher purpose, and are valuable for the ideas they symbolize and for their influence upon practical conduct. We have passed the formative period of our national existence. We have endured the throes of civil war and ended the work of formal rehabilitation. The difficulties which now confront us are the undue accumulation of wealth on the one hand, and the natural

increase of men on the other. The epoch is approaching when even our resources will be taxed to the utmost, and we shall have to undergo the pressure of population and of concentrated capital, with their attendant conditions of want, luxury and corruption. There are those now living amongst us who will see the day when the industry of man will be of more consequence than even the lavish generosity of Nature; when the peaceful Knights of the modern Temple will have to govern the Saracens of the streets. In all these difficulties, individual intelligence and honesty, aided by the church, the school-house and the family, will constitute our sure protection. These agencies, backed up by self-government, will develop principle and virtue in the masses and insure a wise administration of public affairs, a cheerful submission to the necessary gradations of society, the maintenance of our political system and of law and order among a free people, thoroughly qualified and trusted, and the suppression of exaggerated independence and of boastful confidence in the subservience of a bountiful Providence to recklessness and indifference.

I believe that the means at our disposal will be adequate to the end. I have no dread of the modern Saracen or the modern plutocrat in the United States. Universal suffrage will annihilate political disturbances. The untrammelled voter has a power in his ballot which excludes the pretext for the knife or the bullet, and a fearless deference to the will of the people, ab-

solute trust and confidence in their intelligent judgment, will remove the last danger of social or industrial agitation.

The poor and the rich alike must comprehend that labor is the soul of the world, whose vitality can never cease. A productive force which absorbs constantly what it as continuously produces, is beyond even the reach of death. It is the seed which contains the blossom, the flower, the fruit. It knows no stagnation, but represents an ever pervading and augmenting activity, whose intensity magnifies individual men and projects their achievements and their influence through countless generations into a sort of earthly immortality. It strengthens and exalts communities, nations and races, and writes its imperishable records on the fleshy tablets of the heart.

There are those who would set the world back, under the pretense of setting it forward, but they all fail. The joy of eating, of drinking, of all the soft nothings of such a love as Ingersoll defines, is a weak and a trashy thing. The joy which comes from a pure heart and a sound brain, out of labor and sorrow, out of the discipline of life, out of the regulation of the grosser elements of our nature, out of our thoughts and feelings for others as well as for ourselves, out of the faithful discharge of duty, is the only joy worth having, because it is eternal. Such joy as this comes only to the workers, who, we may be certain, possess both this world and the next.

I have one thought still to utter, and then I am done. It bears upon the future of our country. We must purify our party methods by a resolute submission to the people, and by the cultivation of habits of settled industry and thrift among the young. Woman must be enfranchised by industrial education. Men must be taught to respect themselves. It must be understood that all corruption tends towards violence—that fraud and force are the correlatives of each other. Office seeking is the bane of youth and the badge of degradation to the old. It means too often the struggle of incompetence and laziness to live in luxurious ease, and to obtain without effort in natural channels the fruits of labor. It should be discountenanced and abandoned.

In short, the end of all the festivities and of all the ceremonies of this Conclave Week should be better lives, and the increase of that natural and unselfish patriotism which does not evaporate in excitement, but settles into a clear appreciation of the real work the fathers of this Republic did, and into an intelligent comprehension of the obligations of the citizen and of the system of our government. The span of human life is short, but it may be fitted into that bridge of constructed progress upon which the grand army of toilers is ceaselessly marching into a world unseen and unknown, but whose foundations are in the heavens; a world of new facts, but where principles are unchanged; a world where clogs and fetters shall fall

away, and opportunities multiply and expand; a world where the actual labors of the past, still exerting their influence upon earth, shall yet propel individual souls forward and yet forward, towards the fulfillment of their parts in the Providential design; a world where minds shall enlarge and become more and more illuminated, and hearts shall swell and throb with purer and purer love, and the chorus of the morning of Creation shall be revived in the joyful strains of a perfected humanity.

ORATION

DELIVERED BY

HENRY E. HIGHTON

GRAND ORATOR F. & A. M.

BEFORE THE

Worshipful Grand Lodge of Free and Accepted Masons of the State of California,

AT ITS

ANNUAL COMMUNICATION,

IN THE

Masonic Temple, San Francisco, Thursday, October 11th, 5883.

MOST WORSHIPFUL GRAND MASTER AND BRETHREN OF THE GRAND LODGE:

In an age long past, when oratory and the dialogue were the chief agencies in education, the Greek statesman, Pericles, in addressing an audience of the people, was inspired to say: "I never ascend the platform of the Pnyx, without secretly imploring the gods to suffer my lips to utter no heedless words, and never allow me to forget that I am speaking to Athenians." This passage contains an admonition of peculiar force in the situation in which, through the appointment of the Most Worshipful Grand Master of this State, I

now find myself placed. For the opportunity to address the official local representatives of the oldest and greatest voluntary association upon earth, it would be an affectation to deny that I am thankful. But the occasion may also well excite humility and anxiety. We live in times of preternatural activity in all the departments of human life, when action is of more consequence than speech, and condensed thought rushes in electrical channels between the ends of the world. We live in times when the average education of the masses of men has raised them in mere knowledge above the sages of antiquity. We live, too, in a country in which organized freedom has placed its citizens upon the highest plane of modern intelligence. And the duty which has been assigned to me is that of addressing the chosen few of such an era and of such a country, upon a topic on which their learning and their experience render them competent instructors. Well may I adopt the sentiment of the great heathen orator, whose intuitions almost raised him to the skies, and reverently invoke the aid of the true God, whom every Mason worships in his heart of hearts, to fertilize my sterility, and to impart to me the power both to conceive and to express ideas that may be of use and value to the Craft.

It is difficult to be original in the treatment of Free Masonry. Its external aspects, its methods and its objects, have been explained and illustrated in every language in which Science and Literature address the

human race. Its history has been traced and its antiquity demonstrated until it has been connected with the origin of established society and of systematic industry. Its principles, few and simple, have been broadly unfolded, and their practical effect in promoting the growth of civilization conspicuously exhibited. Its symbolism and its ritual have been described to the fullest extent compatible with the preservation of those deep and sacred mysteries which, while they attest its universality, insulate and protect its institutional structure. Its relation to those architectural monuments of all ages and countries, in which *Wisdom* conceived what *Strength* executed and *Beauty* adorned, has been amply proved and generally acknowledged. Its abandonment of its purely *operative* features, and its concentration of its labors into those forms of action which, by way of contradistinction, are termed *speculative*, are part of the records of modern times. On all these phases of its existence and of its influence, erudition and eloquence have flowed with luminous perspicuity and truth.

But there is one point of view in which it appears to me that Free Masonry has not been adequately considered, and that is, ITS FUNCTION IN MODERN SOCIETY; and without attempting to deal with this theme analytically or exhaustively, or indeed by any other than a suggestive process, I design to make it the central thought in the observations I have to offer.

In order accurately to comprehend the present attitude of Free Masonry within the limits I have defined—in other words, to enable you intelligently to follow me in the purpose I have avowed, and which I shall at least execute with brevity—it is essential that a certain order and sequence be observed; and I request you, therefore, to bear in mind a few subdivisions of the argument which is intended to support my conclusions. I shall pass, then, rapidly and comprehensively, but I trust clearly, through a development of my subject, expressed in these heads:

First: The true meaning and object of human life.

Second: The actual condition of modern society.

Third: The dangers and necessities of modern society.

Fourth: The extent and manner in which Free Masonry, by its constitution and methods, helps society to avert those dangers and to meet those necessi ties.

And, *Fifth*, as a corollary to these propositions, the elevated conception of his duties and obligations which should regulate the conduct of every Mason, who is, *first*, Free; and *second*, Accepted.

I am not a scientist nor a philosopher, and there may be serious defects in my arrangement, which, to a mind trained in technical logic, might almost be offensive; but I speak to plain and earnest men, imbued with love to God and to humanity, and I believe I shall be understood.

In the first place, then, individuals, communities, nations, races, the world, are all manifestations and expressions of human life, which is at once the invisible force that penetrates the whole, and the outcome and result of the whole and of each of its constituent parts. The life of the individual man, originating with the Creator, is at once the source and the origin, the type and the representative, of all the forms that life assumes. It is in one sense the birth of a destiny—the growth and the development of an immortal and personal existence. It has been poetically compared to the flight of a bird from window to window through the warm and perfumed atmosphere of a banquetting hall. It is in reality a hard struggle through opposing forces, an unending wrestle with the powers of evil, in which defeat entails moral degeneration and death. Its final object, through all the intricate machinery of society, taken in its broadest sense, is the perfection of man. The means by which that object is to be attained, which comprise the substance and essence of all true progress, are the use without the waste of the faculties, in the direction of the true, the useful, and the permanent. All intelligence and all labor that are not woven into the one eternal purpose that moves the successive generations of men, that do not leave indelible impressions upon human life and human character, are misdirected, perverted, and lost.

These generalizations, though a faint outline, are

all I need to introduce the second branch of my argument, namely, the actual condition of modern society. But for the restrictions I have imposed upon myself, by a rigid adherence to the one point I have in view, this would be an almost illimitable topic. Condensation, however, is of the very essence of my purpose. By modern society, I mean society in the aggregate, including individuals, communities, states, nations—the whole progressive family of man. What, then, is its actual condition, as bearing upon the conclusion I hope speedily to reach? It may be defined in a phrase as one of extraordinary and unprecedented activity. Great contests for the recognition of human rights, for the creation of opportunities for the exercise of the physical, mental and moral powers, have been fought and won; and, although liberty is yet far from being established in large sections of the globe, humanity, relatively to the past, is free. In our own land, the true theory of government, based on the organic sovereignty of man, limited only by the decrees of the Almighty and by the concessions necessary for the maintenance of law and order, has been adopted and applied. In other countries, in varying degrees, the tendencies towards that final result are everywhere distinctly marked. Science is penetrating the secrets of Nature, and art is applying the discoveries of science. Knowledge accumulates and pervades the masses with startling rapidity. Comforts and luxuries multiply day by day. Invention turns the wheels

of progress, until the very air is full of sparks and flashes. Literature diffuses itself through all the strata of mankind. Labor is disciplined and aggressive. Capital is aggregated, and sometimes useful and sometimes dangerous. Wealth has enormously increased. And, through all the elements that are blended into modern society, thought penetrates and ferments.

But, in the third place. What are the dangers and what the necessities of modern society? Its dangers in form are manifold; in substance they may be expressed in THE WASTE OF ENERGY. All history is full of illustrations of the truth of this proposition as applicable to past ages, and it was never so true or so important as now. The pathway of the race is literally strewn with ruins. Forms of civilization, systems of government, theories of religion and morals, hypotheses of science, codes of legislation, diversities of manners, of fashions, of habits, have existed and passed away, because they were founded in the eccentricities, in the unregulated passions, ambitions and selfishness of men. And in our own day, and in some respects pre-eminently in our own country, we are reproducing these evils with greater intensity than during any former epoch. The very excellencies of modern progress, its accelerated speed, its multiplicity of forms, its enlargement of scope and purpose, have quickened the pulse, stimulated the nerves and intellect, and fired the ambition of

men, until they have sought to break down the barriers of discipline and to overleap the limits of their powers, as defined in their own nature by the God who made them, and are deluging the world with those vanities which our first recorded Grand Master investigated and abandoned.

You will not fail to observe that, in the line of this discussion, it is no part of my plan to *contrast* and *balance* the good and evil in modern society; and that the views I present, applied and limited as they are, do not imply any doubt of the steady advancement of our race. Optimism and not pessimism, in my opinion, is the true abstract creed of every close student of history, past and contemporary; certainly of every such student who is possessed of a Masonic heart. But we are considering facts, which cannot be disguised or concealed, and which must be met and controlled; and we are considering them, too, on one side only, and with reference to a definite result. It is a profound truth that, in our generation, the waste of energy, which, to adopt a commercial simile, implies the extinction of capital, is fully commensurate with the increase of activity. The illustrations of this truth, which we encounter daily, are direct and abundant. I cannot enumerate them, but will allude to some of the most conspicuous. Agnosticism, which is a species of nihilism, is expending much of the intellect of the world in a ceaseless effort to dethrone the Almighty, and to plunge humanity into a sea of per-

plexity and scepticism, in which the rudiments of morality, as well as the essentials of religion, would be submerged and destroyed. And the speculations which the modern Agnostics are reviving through the new facts and discoveries of science, end precisely where the speculations of the Greek infidels began. New social plans, inconsistent with the individual nature and history of man, with his family relations, and with order, subordination, and prosperity, are insidiously appealing, *first*, to the imagination, *second*, to selfishness and covetousness, and, *third*, to the destructive instincts and passions. The province of law is invaded, and its principles and its precedents, which have marked step by step the regular growth of permanent civilization, are superceded by new doctrines of limitless flexibility and absurdity. Legislation is swelled in volume until even the free citizen, who is almost capable of being a law unto himself, is in a worse predicament than the Roman subject who sought in vain to decipher the decrees of Caligula. Books, periodicals, newspapers, are produced by a rule of progression which threatens to defeat the object of literature by rendering education impossible, through the fixed limits to human capacity and to human endurance. Systems of instruction fluctuate and change with the seasons, and often discard the essentials of good citizenship. The departments of industry—muscular, mechanical, and professional—are divided and subdivided, until they are as countless as they are

incomprehensible. And in the midst of all this pressure upon the human heart and the human brain, a morbid desire for novelty and excitement usurps the place of duty; liberty drifts into license; calm reflection ceases; character becomes weak, impressible, and yielding; and dissipation is the only alternate to labor. Sometimes at night, in the streets of a great city, walking beneath the still majesty of the stars, and watching the phantasmal multitudes as they jostled each other in the wild rush for relief from the fever of modern life, I have asked myself, where all this would end; whether a time would not come when the world itself, that is, the world of human beings, would grow mad, and reason fly to brutish beasts, and the very power of repose and serenity sink back into the breast of Nature.

Of course, there is a reverse side to this picture. But, at present, we are concerned only with the dangers of modern society, and with its necessities growing out of those dangers. I proceed to inquire, then: What is the remedy for these evils? The answer is plain and spontaneous—the remedy is Rest. But what is rest? Surely not sloth, surely not torpor, surely not that placid contentment which indicates the satisfaction of an animal or of a savage, whose daily wants are gratified to repletion. No! Rest is found only in Balanced Activity, from which all that is superfluous is excluded. It means the arrest of wasted energy. It means stalwart human-

ity, standing upon the rock, with its eye towards heaven, and all its faculties calmly and resolutely bent upon the fulfillment of duty, upon the true, the useful, the lasting elements of a life which commenced in God and is to be projected into immortality. It means wisdom, clearly understood and inexorably applied. It means the rejection of all materials that do not fit into the human temple, designed by the Supreme Architect for the temporary habitation of a pure intelligence, of a holy spirit, pervaded by truth and aspiring to angelic companionship. It means that conscious humility which sees the beginnings of human life, and by faith forecasts its future. It means the definite recognition of the bounds that are without the widest range of human reason. It means the concentration of limited powers upon practicable objects. It means the apprehension of complicated facts through the light of unalterable principle. It means the obliteration of selfishness in the warm love of humanity. It means the development of individuality through the rational use of opportunities, through simplicity, through directness, through self-denial, and through self-abnegation. It means regulated industry—modest independence — sturdy integrity—softened by wide and exquisite sympathy. It means, in short, all these elements, issuing in that calm and sweet repose through which man, erect, self-poised, and moving forward and ever forward in the groove in which Providence has placed him, imitates the productive

silence of all the creative forces on the earth in which he lives, and in the spheres of light which point the way to his eternal home.

Brethren of the Mystic Tie, have I not anticipated the fourth division of my subject, yielded up our deepest secret, delineated the Masonic character? If this be true, then the function of Free Masonry in modern society is already in some measure ascertained and defined. Without scheme or plan, without aggressiveness or organized interference, by its own internal constitution and by its action upon its own members, it exerts an influence which places it at the head of the conservative and yet progressive forces of civilization. Ancient, severe, changeless, it is the very type of immutable law. Beginning and ending in God, it antagonizes agnosticism, and it is freed from all doubt and fluctuation on the fundamentals of true religion. It is of all institutions the most unsectarian, because it exacts only that measure of faith which is essential to sound morality. It insists upon order and subordination, because without them the world would be a Pandemonium. It demands definiteness and simplicity, because without them there would be little else than confusion and strife. It attacks no form of government, but supports all existing political institutions, while it fits its votaries for freedom and refuses its privileges to slaves. It deals solely with the individual, with his character and conduct in the parenthesis of mortality, and there in those particulars only concerning which

there can be no honest and rational disagreement. It requires physical completeness at the outset of a Masonic career, as a presumptive guarantee for the equal performance of Masonic obligations, which also embrace those practical duties that are common to all men. It explores the heart, to determine its aptitude or inaptitude for the practice of virtue. It turns away the atheist and the libertine, the idiot and the lunatic, at its outer portal, because its mission is to build out of sound material, and not to reform or to restore. Having exerted its right of selection, it proceeds with a symbolic education, in which induction succeeds induction until the Masonic equipment is perfected. As God out of chaos organized the universe, as He brought light from darkness, as out of the principle of life He developed form, organism, symmetry, personality, the family, communities, nations, the entire composite order of mankind, so Free Masonry leads its children from darkness to light, from chaos to order, to wisdom, and to the full comprehension of the social bond. In all its stages, when once the outer door is passed and the preliminary lessons taught and received, the advancing neophyte is forced to realize the value of light, which reveals truth, as truth reveals the Infinite and the Infinite immortality. He finds, too, that the connection between operative and speculative Masonry, through a perfect system, furnishes him with a few simple principles, and with intelligible rules for their application to his daily walk and con-

duct. He discovers, or rather he is made to feel, that all desires, appetites and passions, are to be used and not abused, and to be firmly held within the limits of moderation. He is also instructed in that kind of equality between men which forbids jealousy and protects every substantial right; while it does not attempt the impracticable task of controlling the accidents and circumstances of life by compelling all men to stand upon a dead level in the world of business and of conventionalism. He perceives, too, that uprightness and integrity are the basis of ordinary success as well as of memorable achievements, and that men were created to work and not to prey upon their kind. And last, though greatest of all, he is introduced to that perfect charity which is identical with love, and which is manifested in sympathy equally with beneficence.

But why, Brethren, should I pursue this detailed exposition of the relations of Free Masonry to modern society? You are impregnated with its philosophy, and its teachings are as familiar to you as household words. Some of you have grown aged and venerable in its service, and all of you presumptively shed its influence abroad upon the multitudes without its doors. You know, dear Brethren, what the profane can conjecture only: that I am justified in claiming that Free Masonry does exercise, cannot fail to exercise, a predominantly conservative function in modern society; that it guards the faculties and represses the

vices of men; that its methods are founded upon that highest logic which leads only to truth and rejects the false and the superfluous, and upon that soundest morality which declines even to discuss a question of principle; that it abhors extremes, while it is definite and uncompromising in protecting individual, domestic and social life; that it regulates without extirpating human energy, human passions, and human aspirations; that it represses the weaknesses and develops the strength of men, checks their self-sufficiency and egotism, and promotes manly self-respect and independence; that, while it scrupulously renders to Cæsar the things that are Cæsar's, it is the friend of liberty and the foe of tyranny; that it rests on no barren theory, is disfigured by no grotesque or hideous mummeries, but is held together by wisdom and by virtue, inculcated by wholesome traditions and enforced by sublime secrets; that it does not feed diseased imaginations or perverted intellects, but that it is clean, pure, definite, exact and harmonious, uniting by a perfect arch the two sections of eternity that enclose our mortal life, and delivering, in symmetry and beauty, at the portals of the tabernacle "not made with hands, eternal in the heavens," the offspring of the womb who become the faithful recipients of its privileges.

With this realization of the office of our beloved Institution, I trust I may compress the corollary to my argument into the expression of the hope that we may

deeply feel the responsibility which our Masonic association devolves upon ourselves; that we may fully comprehend and realize the strength and the beauty of those fleshly links that unite us with the past through the history and traditions of our Order; and that we may press on in fraternal accord through all the circles of the future, leaving behind us a trail of light which shall illuminate the minds and guide the footsteps of untold generations.

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Hiram W. Johnson

Address of Hiram W. Johnson, Candidate Fo the Republican Nomination For Governor o California, Delivered at Blanchard Hall, Lo Angeles, California, Friday, June 3, 1910.

INTRODUCTION BY CHAIRMAN.

MR. MARSHALL STIMSON—I am here to present to you a man wh needs no introduction to the people of California, a man who all his life ha fought for good government, a man who achieved a national reputation whe without a cent of compensation, he volunteered his services after Heney was sho down in San Francisco, and by the most masterful argument ever delivered in California courtroom, convicted that arch-grafter, Abe Ruef. Ladies and gentle men, Hiram W. Johnson, the next Governor of California. (Applause for fiv minutes.)

SIMPLY A CALIFORNIAN.

MR. JOHNSON—Mr. Chairman, and Ladies and Gentlemen: In this cam paign I am simply a Californian, fighting for my State. My residence in thi campaign is just as big and just as broad as my California; and my allegiance is limited only by the boundaries and the confines of my State. (Applause.)

THIS IS A FIGHT FOR POLITICAL FREEDOM.

The contest that is being waged this year is greater than any man; far transcends in importance any set of men; raises much superior to any particular locality. It is a fight, not for any single place, not for any single city, not for any one county—not a contest to permit any man to see the fruition of his ambition, not to permit any individual to seek and ultimately to obtain any office within the gift of the people. This year it is a fight for political freedom of the State of California. (Applause.) It is a contest waged for emancipation; a contest that must be fought out in this State, no matter what the cost, that California may be politically free, and that the people may have their own. (Applause.) That is the whole fight, and it is on now all over the State of California.

ONE DEFINITE, SERIOUS AND CONCRETE ISSUE IN THIS CAMPAIGN.

In coming to the people of this State, those who are the humble exponents of this particular movement come with a definite object and a serious purpose,—with no petty design, and with no petty wish of any character. The serious object, the definite purpose, are aptly described in the one issue which is being presented throughout the length and breadth of this State by the Lincoln-Roosevelt Republican League. It is true, we are harping upon one string. We are sounding one note in this campaign; but it is a note that must ultimately swell in volume to a great paean of victory, before there is hope of accomplishment of any constructive reform or remedial legislation in the State of California. That one note, the one issue, the one principle upon which this campaign is being waged, is expressed in the brief phrases that any child may comprehend. It is simply this: SHALL THE PEOPLE OF THE STATE OF CALIFORNIA TAKE BACK TO THEMSELVES THE GOVERNMENT THAT IS THEIRS, OR SHALL IT REMAIN THE ASSET AND THE CHATTEL OF THE SOUTHERN PACIFIC RAILROAD AND WILLIAM F. HERRIN? (Great Applause.)

NO ISSUE ON GENERALITIES AND PLATITUDES.

I might stand before you and paint the lily and gild refined gold; I might count with you the stars upon the flag, number with you its stripes, or wave above you, in the usual fashion of the campaign orator, Old Glory and tell you of its achievements in the past and its hope of accomplishment in the future; I might dwell with you, perhaps, as our opponents do, upon what they assert are the dominant issues in this campaign and say to you, in resounding platitudes and in glittering generalities, that we favor good roads in the State of California; that we believe in the exploitation of the advantages of the State, and that we stand for material prosperity in our land. But there is no controversy upon any such proposition as that. Every man, be he candidate or be he not, desires material prosperity for his country and his State—aye, for his particular locality. The only difference between our opponents and ourselves upon the question of material prosperity may be, that we will not purchase material prosperity at the price of political subjugation or moral degeneracy. (Applause.) Every candidate for constable would stand before his people and say that he subscribed to the decalogue and believed in the Ten Commandments. There is no controversy in this contest upon any of the matters indicated by me, or upon any proposition advanced by our opponents, who, thus far, have not had the temerity or the bravery either to announce anything definite or concrete for which they stand or to define any platform of real principle to the people of the State of California.

OPPONENTS ALL SILENT ON SAINTLY NAMES OF HERRIN, PARKER AND SOUTHERN PACIFIC.

But upon the one dominant issue, every man and every candidate is silent, except those who speak from this platform; and you **couldn't, with a gatling gun, shoot enough spine into any of my opponents to have him even mention the saintly names of William F. Herrin, Walter Parker, or the Southern Pacific Railroad Company.** (Great applause.)

JOHNSON'S CONCRETE DECLARATION OF PURPOSE AND ACCOMPLISHMENT.

About this State we have gone, in every county, in every highway almost—in every by-way—at noonday meetings, early in the morning, later in the morning, at every hour in the afternoon, and later at night, we have addressed meeting after meeting of the people of the State of California, looking them straight in the eye—striking right out from the shoulder, telling them in concrete form that for which we stand and that which we hope to accomplish. And we have told it from away south at the Mexican border to the northernmost limits of the State, in every part, as we have zig-zagged and criss-crossed in automobiles; told it so that there is hardly a man or a woman in the State of California, after three months of this sort of campaigning, who does not understand the issue and know just what is involved to the State and to the citizenship of the State, and to-night I can say to you—and I say it to you, not in pride, not in boasting, not in vainglory, at all—I say it to you as my concrete declaration of purpose and accomplishment—I am going to be the next Governor of the State of California! (Great applause, hand-clapping and cheers.) **And when I am the Governor of the State of California I am going to kick out of this government William F. Herrin, Walter Parker and the Southern Pacific Railroad Company.** (Applause, cries of "Good" and cheers.)

JUST ONE SOURCE OF STRENGTH IN THIS CAMPAIGN.

That is our crusade, expressed briefly. But it is an herculean task, in some

respects. There is no great bank financing this movement for any candidate. There is no great order levying its assessments upon unwilling members, and gathering together a pool of money such as seldom has been seen in the State of California, aiding or assisting in this contest for us. There is no corporation with its evil and its baleful and its malign and powerful influence, standing at our back. There is no poisoned press receiving its daily or its monthly stipend. (Great applause.) We have one source of strength—one alone. That is the decent citizenship, that fights for good government, and fights until it is won. That is all that is backing us. (Applause.)

IS THE BRAND UPON THEM?

In the issue that we present, we simply put up to the people of the State of California: What sort of government do you desire? We make no attack upon any candidate or upon any set of candidates. We simply say to the people of the State of California: **"Look the man who asks you for your suffrage in the eye. Make him stand up to you and talk from his heart; make him tell you whether the brand is upon him or the collar around his neck; whether Parker is assisting him, or Herrin is aiding him; whether the Southern Pacific is lending him succor. Make him tell you. And if he will not tell you, right from the shoulder, or if he prevaricates or if he equivocates, or indeed, if he wobbles at all, he is not fit to have the suffrages of the people of the State of California, and he is not fit to hold any office at your hands.** (Applause.)

IT'S A BULLY FIGHT!

That has been our presentation, so far as the mere statement of the issue is concerned, throughout all this land. Sometimes, you know, this fight grows a little wearisome, even to a strong man. There are times when vitality is taxed almost beyond human endurance; times, indeed, when even he who is strong would be inclined to say: "Is is worth the while?" or "What's the use?" Times when labor seems beyond us. But after all, with all this labor—because it is labor to arouse the citizenship of a whole State—with all of its tiresome detail, with all its daylight minutes, every one of them occupied in the work, with all its fatiguing journeys, in the language of the last President of the United States, "It's a bully fight." (Great and prolonged applause.) Every moment of the time our heads are in the air and we are standing on our toes. We are striking right out from the shoulder, we are making the fight for the right; and we are sufficiently optimistic to believe that the people of our State, just like the American people, always, when an ethical or a moral proposition has been put up to them, and they knew the right, and they understood, and were not poisoned by a rotten press—will decide for the right. (Great applause.)

DETAILS IN "HAMPTON'S."

I would like, did time permit, to go into details, as to the manifold iniquities of the Southern Pacific Railroad Company. I would like to describe to you the genesis of the great corporation, explain how it acquired its stupendous commercial power, and how it attained its infamous political supremacy. I would like to trace, step by step and year by year, its evil growth, until to-day we find it so firmly intrenched in the State of California that it seems as if its tentacles reach into every community, however small. The limits of any such address as this will not permit this vastness of detail. I would recommend to you, if you wish to inform yourselves upon these matters, the articles now running in Hampton's magazine, by Charles Edward Russell, an eminent sociologist, relating to this great corporation, its origin, its rapid rise, the filching from the people of fabulous fortunes and its ultimate political supremacy. The detail there is at hand.

More interesting and more eloquent is that history than any novel I ever read. Any man can there, with interest and profit to himself, learn in a few brief hours all that this corporation has done with its iniquities against the State of California. Suffice it to say, at any such gathering as this, that the Southern Pacific Railroad commenced its existence as a great commercial enterprise. Hailed with acclaim and enthusiasm by the whole people, it ultimately acquired that power commercially for which apparently alone it sought.

CALIFORNIA'S GOVERNMENT ANNEXED.

Once having attained its great commercial eminence, the idea seemed to be conceived by those who were managing, operating and owning that corporation, of annexing the government of the State of California itself. First, they came within the ramparts of the people by cajolery and persuasion. Once having gained the entrance, they completed the conquest of our government by downright fraud and outrageous bribery. And, having completed the conquest of the State of California, this great railroad corporation proceeded to build up in every county of the State a machine so perfect, so skillfully constructed, that any assault upon it seemed well nigh impossible. It reached into large and into small communities alike.

THE CAPITAL OF CALIFORNIA.

It began at the lower rung of the governmental ladder and it climbed to the highest rung in the State of California; until finally **the Capital of the State of California no longer was located, as some of you may erroneously believe, in the City of Sacramento, but is now located in the railroad offices of the Southern Pacific Company, situated in the City of San Francisco.** (Applause.) When it had constructed this great machine of such extraordinary power, then it had, indeed, full control practically of all the governmental machinery.

NO ASSAULT POSSIBLE UNDER OLD CONVENTION SYSTEM.

Under the convention system it was practically impossible even to assault this machine. In sporadic, spasmodic instances, brave and patriotic men in the State of California made the attempt to overthrow it; but never with any real hope of success. It always happened that the great delegations, under the convention system, coming from the congested centers of population, in blocks, as it were, were able to frustrate any attempt to overthrow the machine. These delegations did the bidding and carried out the designs of the boss from the great centers of population; and that boss, just like every smaller boss, always reported on and responded to the great boss and to the overlord of us all—the man who has governed us whether we would or not; the man who has made a pocket borough of the State of California; who, by the mere pressure of a button, makes every State official, almost, feel the electric thrill, and dance attendance on him—William F. Herrin in San Francisco. And so it was, under the convention system, no successful assault was ever made on that machine.

DIRECT PRIMARY IS WEAPON THIS YEAR.

This year all that is different. The weapon, wittingly or unwittingly, has been placed in our hands now. This year it is our turn. We have the direct primary, that enables the selection of candidates for office to get closer to the people just as direct legislation enables the enactment of laws to get closer to the people; and just as sure as this direct primary shall stay, just so sure, in the State of California, will direct legislation come, following close upon its heels. (Applause.) The direct primary affords us for the first time in the history of the State of California, the opportunity to help ourselves; the opportunity for our-

selves to determine just what nominees shall be selected within the respective parties, and what is vastly more important—what those nominees shall stand for in the government of this State.

HAVE WE THE COURAGE AND THE MANHOOD?

And so, for the first time in the history of our commonwealth, ours is the opportunity; ours the power; and the only question which remains is, with the weapon in our hands,—giving us the power, have we the courage and the manhood to walk up against the gun of power and evil influence, and entrenched dishonesty, and forever put them without the pale of harm to the State of California. (Applause.) That is the only question. And so it was that this peculiar campaign was undertaken in the State of California. I know many men in the city from which I hail, who have been identified with what is termed the machine, or the organization, and when first I said that, five months and a half before a primary election, I intended to go straight to the people of the State of California, they laughed and they laughed, and said, "You can't arouse the interest. The citizenship of this State is not sufficiently educated for you to preach your doctrine in any successful fashion." I believed they were wrong five months and a half before a primary election, when I made the initial move in an automobile, to a little country town, to preach my doctrine and my crusade. Now, two months and a half before the primary election, I know they are wrong; and that the people of my State are not backward in education upon civics, nor backward in their patriotism nor lacking in the courage to strike the blow, with the power and the weapon in their hands to enable them to do so. (Great applause.)

ALL EVIL INFLUENCES NECESSARILY GRAVITATE TO DOMINANT PARTY.

I would not have, in this campaign, any Democrat lay the flattering unction to his soul that his party is any better than ours. The Republican party is the party of success and achievement in this land. It is the dominant party of the State of California. It is the party with which the men upon this platform all their lives have been affiliated. It is our party. It is the party of the people, we believe. It has within it, those elements—evil, malign, baleful, corrupt, perverting, that always gravitate to power. There is no question about that. But, were the Democratic party the dominant party of the State of California today, exactly the same men who have debauched our party, because it is the party of success, would be within the Democratic party debauching it in just exactly the same fashion. Indeed, the overlord of us all is commonly reputed to be a Democrat, and in his sight it makes no difference what the partisanship is of any particular nominee.

BOSS FIGHTS ON HEAVIEST SIDE OF HEAVIEST BATTALION.

Your boss here is always on the side of pelf and power and of advantage to himself and to the Southern Pacific Railroad Company. Neither he nor those who do his bidding care for partisanship or for patriotism. As Napoleon once cynically said: "The Lord fought on the heaviest side of the heaviest battalion"; and the heaviest side of the heaviest battalion politically, in the State of California, is the Republican party; and for that reason we find within that party everyone of these noxious growths—everyone of these political bosses, only because they expect, in the success of the Republican party, to reap the reward that is theirs, as they believe, by reason of partisan work within that particular party.

WHAT A REGULAR IS.

I make this explanation concerning these parties, because, now and then, I run

across some man who swells his chest and taps himself and says, "I am a regular Republican. I belong to the regular organization. You're an irregular Republican. You don't belong to the regular wing of the party." And when such I meet, I tell him that a **regular is simply a regular individual who regularly takes his orders from an irregularly constituted boss who regularly gets his from regular Herrin and the regular Southern Pacific Railway Company.** (Great applause and laughter.) And if it be irregular to preach to the members of the Republican party purity, (cency, good government—preach to it political freedom and emancipation—I uld rather be an irregular than a regular member of any organization.

SANTA CRUZ CONVENTION.

Without great detail, which at such a time is impossible, we endeavor, by one or two trite illustrations, to point the moral, as it were, and to indicate the thralldom in which we have been held and the necessity for action when first we have the opportunity. It is impossible otherwise than by a trite illustration, to make understood the exact condition, mentally, as well as in our whole political life in this State. And so it is, that we often refer to that oft repeated subject, the Santa Cruz convention, the last Republican convention where candidates were nominated for State offices, and we relate what is a matter of record in the State of California,—no man can gainsay or deny it—that when that convention met at Santa Cruz, Abe Ruef had in the hollow of his hand the great and glorious City of San Francisco. Bound and gagged were all its delegates, responsive to Ruef alone,—he, of course, responding to the great overlord or boss, Herrin; and **when Ruef confessed his crimes, he confessed that Herrin paid to him $14,000 for the San Francisco delegation; he delivered the goods, the San Francisco delegation thereafter voted just as Herrin desired and commanded; and the infamy of it is that the State government of the State of California today, is, in great part, the result of that corrupt bargain.**

THE REGULAR OF REGULARS AT SANTA CRUZ.

Now, when Ruef received his $14,000, do you realize, ye members of the **"regular"** organization **that it was "regular" Ruef who "regularly" sold out the "regular" San Francisco delegation to "regular" Herrin, and "regular" Herrin gave "regular" Ruef fourteen thousand "irregular" dollars of the "regular" Southern Pacific Railroad, and "regular" Ruef divided with "regular" Schmitz the $14,000?** (Great applause, laughter and cheers.)

ENDANGERING OF LIBERTY ITSELF THE ULTIMATE RESULT.

In many aspects that sale is used by us to point the moral of our tale. First, every man obviously can see that no structure with a rotten foundation can long endure. Equally obvious is it, that no political structure founded in its primal function, upon bribery and corruption, can long endure as you desire it to last. Equally obvious is it, that if, in the very inception of our State government, the government is bought and sold like so much merchandise, your liberties ultimately will be and must be endangered. And equally obvious is it, that where there is such bribery and corruption, such barter and sale of a whole government, as there was at the Santa Cruz convention, the very fundamental principles upon which we pride ourselves—upon which we rest this great copartnership of ours, where every man, we boast, is a sovereign, where every elector is a component and an integral part—are invaded, and ultimately must be wholly destroyed. And so, in the ethical and civic aspect it should appeal to every member of the State of California, that such outrageous corruption in State conventions cannot be permitted, if you desire this government to continue a government of and by the people.

WHO FOOTS THE BILL?

Beyond that, as a mere matter of dollars and cents, the same matter appeals to you, because,—do you realize when Herrin pays Ruef $14,000, who foots the bill? Are you deluded with the idea that Herrin simply pays the money and the Southern Pacific loses it? Not a bit of it!

EVERY BRIBE IS CHARGED TO OPERATING EXPENSES.

Not a penny is ultimately paid by the Southern Pacific Railroad Company. Mr. Russell, in the articles to which I have alluded, shows, from sworn testimony, that the millions of dollars—just think of the infamy of it!—the millions of dollars that were spent in the bribery of the Congress of the United States by the Southern Pacific Railroad Company, were charged, every penny of them, into the operating expenses of the Southern Pacific Railroad Company. And, upon the sum total of those operating and legal expenses, the fares and freights of the State of California are fixed and determined. **When Herrin pays to Ruef this mere bagatelle of $14,000, it is charged to the operating and legal expenses of the Southern Pacific Railroad Company; and upon the sum total of operating and legal expenses, including the bribe, the fares and freights of the State of California are definitely determined and fixed.** Do you realize that, and what it means? They get us, in common parlance, both going and coming. They play both ends against the middle. Three ways they catch us, indeed, and always, the people of the State of California foot the bill. In the first place,—an instance will illustrate,—ten days ago seven of these gentry met in San Francisco to parcel out politically the State of California and to determine how best the man now addressing you could be defeated. They met there, and, of the seven, three were officials of the State of California. For two days they consulted and debated,—and they were as wise at the close of the two days as they were at the beginning; because, in this campaign, they may pull down, if they want, every single candidate for Governor but one, but the political revolution is on in the State of California, and whether they have one or whether they have three candidates for Governor, is a matter of supreme indifference in this campaign. (Great Applause.) But these gentry met. They determined, unquestionably, upon the amount of money that was necessary to spend, to stop the onward progress of this movement. Assume, for the sake of argument, they determined on a quarter or half a million of dollars. Every cent thus spent by the Southern Pacific Railroad Company, as I have repeated to you, goes into its operating and its legal expenses. Every dollar is added up to the sum total of those expenses, and upon that the fares and freights of the State of California are ultimately fixed. But see how they get us in every way! First, three of the seven were officials of the State of California who met in San Francisco to do the dirty politics of the Southern Pacific Railroad Company. We furnished three of our men, presumably working for us. Who pays those men? Why, we pay them. The salaries that they get from us, as representing the State of California, are the salaries that they receive for their very sustenance. **So, first, we furnish the men to do the very work of our undoing. Next, we pay the men who are attempting to subvert our Government, for the work that they do for the Southern Pacific. And, beyond that every dollar that they expend in committing any felony, either as a bribe or buying our electorate, we pay in the added proportion that we pay in the increased fares and freight of the State of California. Get us going and coming? Why, they get us every way; and we foot the bill—we pick our own pockets to bribe ourselves with our own money!** (Laughter.)

IT WOULD BE A GOOD THING EVEN FOR RAILROAD COMPANY.

Don't you think it is high time something was done? (Great Applause.) Do you know, it would be a good thing for the Southern Pacific if somebody

were Governor who would kick them out of politics. But you might just as well tell the burglar to stop his nefarious work, as to tell the Southern Pacific —with the profit that accrues, and accustomed as they are to the awful power,— to cease debauching a whole people. It's the power to make and unmake, the power that compels every politician to doff his hat and nearly every office seeker to crawl to the Railroad throne, the power that makes a whole State cringe and obey that those manipulating Railroad politics will not yield, and the power that an honest electorate for decent and free government must wrest from them.

WOULD BE GOOD THING IN EVERY ASPECT.

It would be a good thing, could we kick them out; good for them as well as for us. Clearly apparent is this to all right thinking and independent citizens. But to those who are insensible to the appeal on the ethical side, who are indifferent to the civic side of the question, if there be any men for whom the cause of morality and patriotism has no attraction, to whom the only music is the tinkle of the guinea and the jingle of the twenty and whose only horizon is the dollar sign, we say economically you should aid in the elimination from our government of this corrupt power, because if this Railroad Company is compelled to conduct solely its legitimate business, its enormous bribes and tremendous illegal expenditures will no longer be paid, its operating and legal expenses will be reduced by those sums and fares and freights will be lessened by that reduction, and even the cost of living will be cheapened.

APPEAL IS MADE ON HIGHEST PLANE.

But it is in the nobler, in the broader aspect that we appeal to you in this campaign. It is beyond the mere avarice of the thing. It is far beyond the making of a few dollars or the adding of a few cents. It is upon the great, broad plane of patriotism; the preservation of this Government for ourselves and for those that come after us. (Applause.) That is the plane upon which this whole campaign is being made.

NO WARFARE UPON ANY HONESTLY VESTED INTEREST.

We are not seeking in this contest to tear up railroad ties or to destroy rolling stock. We do not desire to affect in any manner corporate rights or corporate property. We recognize the necessity of business corporations for the transaction with facility of the business of the land; and all corporations legitimately conducting honest business we would foster, protect, and conserve, just as we would foster, protect and conserve human rights and human liberty. We say to the Southern Pacific Company: "Legitimately and within the law you may conduct your commercial enterprise just as you wish; legitimately and within the law, you may run your railroads as you desire, but you must keep your dirty hands off our politics and get out of our government, or we'll kick you out." (Prolonged applause.) **We have no warfare upon any honestly vested interest; our warfare is unceasing and unrelenting upon successful dishonesty alone. We do not seek to put the Southern Pacific out of business, but to kick it out of politics.** (Applause.)

THIS AN INDEPENDENT, FIGHTING CAMPAIGN.

I want you to know also, that we are not candidates for office in the ordinary acceptation of the term. We are not candidates as you have been accustomed to have candidates come before you. From the inception of this campaign to the present moment, I have not asked a man in the State of California to vote for me for Governor of this State; and from now until the closing moment on the 16th day of August next I will not do so. I would not walk

from here to the nearest auditor to beg or plead or ask any individual to vote for me. This is no begging or pleading campaign.

A VOICE: Good shot!

THIS A FIGHTING CAMPAIGN.

MR. JOHNSON: **It is a fighting campaign with all that is in a man—for his State! I would walk any distance,—I would undergo any fatigue, to preach my crusade. It's my State. I was born in it. It is my children's State. They were born in it. It is your State by birth or adoption. It belongs to your children. No Southern Pacific owns this State. No Herrin has a title to it. No Parker has a lien upon it. It is a great big, broad, beautiful State, and it is a State worth fighting for.** (Great and prolonged applause and cheering.)

THE DISTORTION AND WARPING OF MIND OF WHOLE STATE.

I have instanced many times,—and this appeals to my imagination more, perhaps, than the actual passing of the money from Herrin to Ruef,—or the actual purchase of a Senator, or an Assemblyman or a Congressman or any other official,—the distortion of the mental attitude of this State. The warping and the twisting of the mind of the people of the land, appeals to me far more than the mere money that may have been given in the grosser crime. And I indict this Southern Pacific Railroad Company for teaching the youth of this land to think in a manner that no man wishes his child to think, politically. I indict it for making it impossible for a poor man to see the fruition of an honorable ambition without bartering his soul and selling his honor. I indict it for making a whole State less militant and aggressive in the cause of reform; for causing a whole citizenry to stand back and say, "What's the use," when confronted with the awful power. I indict it for twisting our mentalities until we have been unable, in political matters, to see the right and know the right. And these crimes, to me,—these mental crimes, as it were, are far worse than all the crimes of passing money, or the bribing of any individual. (Applause.)

THE INFAMOUS ADDRESS OF THE LIEUTENANT-GOVERNOR.

You realize, do you not,—and I love to relate it as illustrating what I have just stated to you—that a year ago the Lieutenant-Governor of the State of California, the second highest officer in this State, stood before fifteen hundred young men in Berkeley,—your sons and mine—young men just about to take up the burden as we lay it down—there at the very fount of citizenship,—he had the brazen effrontery to tell those young men that they should follow in the footsteps of a political boss rather than in those of a reformer. In thinly veiled phrases he told them so that the inference was plain that if it were advantageous or profitable, they should think in the crooked way and act in the crooked manner. Think of the second highest officer in the State of California preaching that doctrine to the youth of the land, just about to enter upon their career! And so great was the mental degradation of this State, that, throughout the length and breadth of the land, there was scarce a protest to that infamous address of the Lieutenant-Governor. That illustrates, better than I could describe in words, the mental attitude of the State of California. This man owed his very political existence to the Southern Pacific Railroad machine. He owed his very office to the infamous bargain at the Santa Cruz convention. To him it was natural and legitimate that he should preach that sort of doctrine to the youth of California, and he was but telling them what he believed all the people of the State of California sanctioned—apparently they had done so at the polls—to follow in his path, rather than in the path of a reformer. And this man, so

telling them, cannot yet understand why it is that he has been criticized from one end of the State to the other in this campaign. His mentality was warped long ago by the Southern Pacific. But when he attempted to warp the mentality, and twist it, as well, of the youth of this land, he attempted a crime more infamous, to me, than if he had gone down and bribed every member of the Senate, which he disgraces by presiding over it. (Great applause.)

A VOICE: Give it to him!

THE LOS ANGELES EXPRESS.

MR. JOHNSON: We have been fortunate in this campaign in one respect—you are fortunate in the City of Los Angeles in one respect. You are fortunate, indeed, you who make the fight for good government here—you who have blazed the way, who have been pioneers in the great and good fight in the State of California—you are fortunate, that you have, making that contest for you, such a great paper as the Los Angeles Express. (Great applause.)

A VOICE: We have the Times also. (Applause.)

ANOTHER VOICE: What do you think of the Times anyway?

A POISONED PRESS.

MR. JOHNSON: Do you know, there is just one thing in this campaign, my friends. It's all done today. If the primary were tomorrow, I know what the result would be; and I haven't a bit of doubt of it. The only problem is, Can a poisoned press, in two months and a half, make a man, whose character for forty-four years has been above reproach, infamous? That's all. It is a cruel thing, when you think of it; but I have seen that fight in my city. I have seen what a miserable—what a rotten—what a horrid press, like this one you name, whose proprietor is going down to his grave in snarling infamy—I have seen such papers as that in San Francisco day after day, harping and lying, until a whole people were deceived and debauched mentally. And the only problem in this campaign is, Is it possible for the eight or ten—there are only eight or ten, really, of these miserable harpies of the press, which respond to the system in this State,—is it possible for those eight or ten papers so to poison the people of the State of California that they are unable to see the right and cannot see it on primary day? (Cries of "No, no," "Never!")

HOW THE NEWSPAPERS STAND.

And it is a problem. They cannot, here, because you know, and you have had your experience, and you have gone beyond it. But the problem is, what they may accomplish elsewhere. But I want to tell you, there are lots and lots of good, brave, strong editors in the State of California! (Applause.) Lots and lots of them. I want to say to you, that outside the City of San Francisco there are 142 newspapers in the State of California marking time with this movement and fighting for it. There are not forty for any other candidate for Governor than the one who is addressing you tonight. (Applause.) But do you realize, that the great San Francisco morning dailies, when this movement first started, began a policy of suppression, with the exception of one great paper there, the Bulletin, (applause) that has always made the fight for the right; but the great San Francisco morning dailies started a policy of suppression. They were not going to mention that such a campaign was on as this. Meetings of this kind? Not a bit of it. We couldn't shoot a line into them all with a shotgun. So, when we went up in Siskiyou, we took with us in our automobiles the papers that have the confidence of the State of California; the Sacramento Bee, the Fresno Republican, the San Francisco Bulletin, and the Los Angeles Express; and we didn't give a rap for the San Francisco morning dailies. (Ap-

plause.) That is the newspaper side of the story, my friends; and that is the only problem there is in this campaign. And you know that is why many of us hesitate to go into political life. For the first time in my life I find myself, even in the peculiar, independent attitude that I assume in this campaign, a candidate for office. I think, for the last time, I find myself one as well. And you know, a man hates, who has struggled and who has fought, and who has worked—and who can only fight on one side, and therefore, never can attain great riches—you know, a man who has fought all the time, and who has won a name that he can leave to those that come after him, hates to be abused or attacked even by a Los Angeles Times, that nobody believes. (Great applause and cheering.)

A VOICE: That's right!

CONTEST IS NATION-WIDE.

ANOTHER VOICE: More about the Times!

MR. JOHNSON: Now, this contest of ours is a nation-wide contest. It is all over this broad land. In every capital in the United States—the same fight is on. Wherever there are any resources of the State to be exploited, wherever there is a national domain to be despoiled there the same contest is being waged. Wherever the system has reared its head, and wherever, in its coalition with the tenderloin and the political boss, it seeks to govern us, there the same warfare is on. It is all over the East. It is in the national capital today. It is there evidenced in the fight over the great Alaskan domain; a domain richer in minerals than any man can conceive; and instead of conserving it for all the people, for those who follow us and for those who are entitled to it, the only question that is being debated is, which corporation shall have the first opportunity at its exploitation.

THE SYSTEM.

The system, that is but corporate interest seeking its own gain and advantage allied with politics, is the gravest menace and danger today threatening our republican institution. **It is this system that has given us a Nelson W. Aldrich, in the United States Senate, who coming from the smallest State in the Union, has made of that once august body a mere rich man's club, there legislating, not in the interest of the people of the United States—not to conserve the property of the United States for all the people, but only for the system; for corporate greed; for corporate avarice. And it is this same system that has given us a Cannon in the House of Representatives, who corresponds to Aldrich and who there makes of his House of Representatives—once the most representative body on the face of the earth—a mere set of automatons, doing the will of the system and the will of Cannon and of Aldrich. And it is the same system that has given us a Ballinger, who disgraces a national cabinet.** (Great applause.)

THE INSURGENTS.

But I want you to know, that while the system has given us a Cannon and an Aldrich and a Ballinger, we have been given also brave men and patriotic men, who are standing together side by side there, making a fight for government of the nation by the people, as we are striving for it in this State. It has given us those men who believe really in conservation, and in government by the people. It has given us Cummins, Dolliver, La Follette, Bristow, Beveridge, and it has given us the rest of those brave insurgents who are making that glorious fight for all the people of the United States. (Applause.)

SOURCE OF REPUBLICANISM.

And, so far as my Republicanism in this campaign is concerned, no man need mistake it. I do not take my Republicanism from Cannon, from Aldrich or from Ballinger. I take it, first from Cummins, Dolliver and La Follette, and the other brave insurgents, and progressives, and I take it from that great humanitarian doctrine of him who in Europe now, without title, office or decoration, simply an American citizen is the world figure today, greater than any king, emperor or potentate (great applause and cheers) when he demanded in that classic message of January, 1908, "equal opportunity for all—common honesty in business and in politics alike." And that doctrine is broad enough in its humanitarianism, broad enough in its Republicanism, for any good citizen. (Applause.) "Equal opportunity for all; common honesty in business and in politics alike"! I take my Republicanism from the teachings and the writings, which have aroused the civic conscience of this land; the teachings and writings of THEODORE ROOSEVELT! THEODORE ROOSEVELT alone! (Enthusiastic applause.)

INSURGENCY DEFINED.

We are insurgent and progressive Republicans. And that there may be no misunderstanding regarding insurgency, permit me to define it to you. Insurgency means opposition to the looting of the people by the unholy alliance between big business and politics. It stands for true protection, and believes in protection for every calling, pursuit, and industry requiring protection. It sturdily fights the use of protection as a cloak for the robbing of the people and the enrichment of the trusts.

DOES NOT REPRESENT FREE TRADE.

It does not represent in any aspect free trade, and the Southern Pacific organs that pretend insurgency is allied to free trade or opposed to the tariff required by the fruit grower, deliberately falsify the fact. In common with all Californians, and indeed, with the spirit of insurgency, we all favor the tariff necessary to the orchardists of the south. Insurgency believes in control of the interests by the Government, not in the control of the Government by the interests; and in this last principle lies the full measure of its offending. The organs of the interests (and the Southern Pacific newspapers are all of this class), resent the impertinence and temerity of any class of citizens who insist that the interests shall not rule the Government, and who demand that the welfare of all, shall be superior to the illegitimate profit of the few; and these subsidized or subjugated newspapers in justifying robbery of all the people by the trusts and the interests denounce with mock indignation militant and resisting insurgency.

A VOICE: What are you going to do for the working people?

MR. JOHNSON: For the working people, you say? What are we going to do? Why, we are going to kick the Southern Pacific out of power, and make it possible for a working man to be a man again! (Enthusiastic hand clapping and cheers, long continued.)

A VOICE: It will be a smoked Herrin, too. (Laughter.)

POLITICS THE ONE ROTTEN AND IMPURE THING IN CALIFORNIA.

MR. JOHNSON: We have gone about this State, as I have described to you again and again, close to the ground, criss-crossing it and zigzagging through it—all over it. I thought I knew this State. I believed I had some conception of its beauties and its grandeur. I thought I had some knowledge of its fertility and its fruitfulness. I found after going through it, as we did, that I knew nothing at all about it. It is so big, so broad, so fruitful, so fertile, so unexcelled in scenic grandeur, that it is impossible of description, even by the most fanciful.

It's beautiful—it's glorious, in its every aspect. There is just one thing that is vile and rotten and impure in it; and that's its politics. The Lord gave to us in this State a heritage such as he has accorded no people on the face of the earth. When he gave us this glorious heritage he gave with it a corresponding duty and responsibility; and the duty and responsibility that rest upon us are, that we shall pass this glorious heritage of ours on, just as big and just as beautiful and just as glorious in its political life as it is in its every physical attribute.

APPEAL TO WOMEN ALSO.

And in this campaign, to men and to women also, we appeal. We appeal to women because they want for their progeny the same square deal and the same equal opportunity that are accorded to the offspring of any other person, no matter what that person's rank or power or riches may be. We appeal to both men and women, alike, to help us this year—not in petty spirit, not for any motive but the highest of patriotism—to pass on this heritage of ours, that our children may have it, free, untainted, unpolluted, and uncorrupted, in every aspect, political as well as physical.

SAN FRANCISCO TO BE REDEEMED.

You people tonight, in receiving this candidate, weary as he has been, nerve him to extraordinary and to other efforts in this campaign. (Applause.) You are the ones who make this fight worth while. I go from you to my own city for next Tuesday night, to open there in a pavilion that holds five thousand people—the opening meeting of the campaign. I want you to know, that, though we have a rotten government in San Francisco—and no man that is brave, and no man that fights on for the right, will for a minute deny it—that, though we have there a rotten government, delivering to William F. Herrin, in this campaign, nevertheless, the old guard has closed up its ranks. It's standing shoulder to shoulder in this fight; and I think that on the 16th of August we may wire "Good Government," that has pioneered the way—that has been the beacon light when our heads were hung in shame, and discouragement almost overcame us—we may wire you, far, far in the van of good government and decent politics, that San Francisco has redeemed itself. (Enthusiastic handclapping and cheers.)

HIRAM JOHNSON'S REPLY TO THE REPUBLICAN STATE CENTRAL COMMITTEE.

July 11, 1910.

W. H. Davis, Secretary Republican State Central Committee, San Francisco, Cal.:

Dear Sir—Your communication dated June 27, 1910, containing a copy of the resolution passed by the Republican State Central Committee, June 20, 1910, reached my office July 2, 1910, and subsequently was forwarded to me while I was in the northern part of the State. I have this day just returned from the trip upon which I received your communication. By the resolution referred to I am asked by your committee, "Will you support and urge the election of the candidates who, by the votes of the Republicans of the State at the primary election, shall be declared the choice for the nomination for Governor and other State offices?"

YOUR COMMITTEE IGNORED THE ROWELL RESOLUTION.

At the same time that the resolution embodying this query was passed, a resolution was presented to your committee by Chester H. Rowell which repudiated the influence heretofore exercised by the political bureau of the Southern Pacific Company in the councils of the party and in the government of the State, and called upon all candidates for Republican nominations to declare unequivocally their opposition to this influence, and their purpose, if elected, by all means in their power, to remove it from further influence in the politics and government of the State of California.

The resolution offered by Mr. Rowell was not passed by your committee. Indeed, it was tabled, and **the committee thus acknowledged the influence of the**

Southern Pacific Company in the councils of the Republican party and the government of the State, and expressed as unequivocally as if the fact had been plainly stated, that it preferred the candidates of the Republican party to maintain in power the Southern Pacific Company and to continue its influence in the politics and government of California.

YOUR COMMITTEE CONFESSES ITS SUBMISSION TO HERRIN.

If your committee ever represented any part of the Republican party of the State of California, it forfeited its right of representation by its attitude in respect to the Rowell resolution.

The old Mosaic law that **no man can serve two masters** is embodied in the Statutes of this State. No official can, at the same time, serve the people and the Southern Pacific Company.

If any official undertakes to divide his allegiance to the State with any interest, or if any official recognizes as his master William F. Herrin, or the Southern Pacific Company, he can be neither a faithful servant of the people, nor can he honestly administer the trust that has been reposed in him.

Equally so, if any member of the Republican party recognizes the supremacy in that party of the Southern Pacific Company, or William F. Herrin, he cannot faithfully or honestly represent the Republican party.

OUR PARTY STANDS FOR FREEDOM AND PROGRESS.

The Republican party is now, as it ever has been, **the party of freedom and independence, the party of progress and of honest government,** and any organization that submits to the dominance of the Southern Pacific Company and William F. Herrin is not Republican.

A subservient, order-taking politician, even though he labels himself Republican, is no true Republican; and no number of political servants of the Southern Pacific Company and Herrin, posing as a Republican State Committee, really represents Republicanism or Republicans.

MERITS NO REPLY FROM ANY FREE REPUBLICAN.

I say to you, therefore, that your committee is not a true Republican committee, nor do I recognize it as such; and I say to each of its individuals who concurs in the attitude of the committee toward the Rowell resolution, that he is not a true Republican. Your committee confessedly represents not the Republican party, but William F. Herrin and the Southern Pacific Company. **Your communication merits no reply from any free or independent Republican in the State of California;** but because I believe there are members of that committee who have been deceived and who are misguided, to them, as individuals, I make this response to the query presented to me.

THIS CONTEST IS GREATER THAN ANY MAN.

I pass by the petty politics that induced the passage of the resolution, and say nothing of the contemptible smallness exhibited in receiving an answer from one candidate before sending the query to others.

I am a Republican and will continue to be a Republican, striving to have my party stand for the highest and the best in our political life. The contest now being waged in the State of California is greater than any man, far transcends in importance any committee and is superior to any master of any number of politicians. It is a contest for the freedom of a great State—freedom from William F. Herrin and the Southern Pacific Company, **who have debauched, polluted and corrupted our State, and shamed and mocked us before all the world.**

My campaign, the success of which is now assured, is to redeem California from Herrin and the Southern Pacific Company.

STANDS WITH THEODORE ROOSEVELT AND GOVERNOR HUGHES.

I believe with Theodore Roosevelt that **"the party man who offers his allegiance to party as an excuse for blindly following his party, right or wrong, commits a crime against the country"**; and with Governor Hughes of New York when he said, **"stand for honorable candidacies, unpurchased and representative of the wisdom and best purposes of the party, and against bossism and all that that word implies."**

WILL SUPPORT CANDIDATE WHO KICKS HERRIN OUT.

I will support and urge the election of any Republican candidate for Governor, who will honestly endeavor to kick out of the Republican party and the government of the State of California, William F. Herrin and the Southern Pacific Company.

Yours truly,

HIRAM W. JOHNSON

"THE COUNTRY APPEALS TO CALIFORNIA"—La Follette.

If California submits to the domination of the Southern Pacific she sacrifices her own rights in national legislation and betrays her sister States as well. The country appeals to the patriotic people of California to redeem that Commonwealth. * * *

Sincerely yours,

ROBERT M. LA FOLLETTE.

Washington, D. C., April 23, 1910.

PRESIDENT SAN FRANCISCO BAR ASSOCIATION DECLARES FOR HIRAM JOHNSON.

"Hiram Johnson is the only man now before the people of California who is big enough to meet the great political crisis now confronting this state."—Judge Curtis H. Lindley.

HARRIS WEINSTOCK'S TRIBUTE TO HIRAM W. JOHNSON.

I have known Hiram W. Johnson since his early boyhood and have watched his growing career with great satisfaction.

To my mind he represents the finest type of American manhood. I have had opportunities in the thirty-five years in which I have intimately known him to see him as son, husband, father, neighbor, citizen, friend and legal adviser. He has proved himself a model in every one of these spheres.

His three pre-eminent qualities are: Courage, unselfishness and the power of action.

Though full of rich, red blood, quick to resent a wrong done to others, he is safe and sound and a man of excellent and well-balanced judgment, with a heart overflowing with human kindness.

As Governor, he would give California a clean, honest, intelligent, progressive and fearless administration.—Harris Weinstock, in San Francisco Bulletin.

HENEY SAYS JOHNSON REPRESENTS ROOSEVELT POLICIES.

The people of California are to be congratulated upon the fact that Mr. Hiram Johnson has consented to become the candidate of the Lincoln-Roosevelt League for the office of Governor. No man in the State of California is better qualified by education and experience to fill that important office.

Mr. Johnson is a lifelong Republican of the progressive type. He is an ardent and intelligent supporter of the Roosevelt policies and is recognized as the natural and logical leader of the independent Republicans in this city and county. He is a brilliant lawyer and is eminently qualified to secure a safe and sound reform of our criminal procedure, which will prevent such mockeries of justice as we have recently seen enacted in our courts.

Hiram Johnson has always opposed bosses and bossism. His candidacy will enable the Republicans of this State to elect for their standard bearer for the great office of Governor a man who is under no obligation to William F. Herrin, Walter Parker, Abe Ruef or any other corporation tool or master. For the first time in a great many years the Republicans of California will have the opportunity to make their selection without dictation from the Southern Pacific machine.

The election of Hiram Johnson will place California in the first rank of progressive, liberty-loving States.

By FRANCIS J. HENEY

PINCHOT WILL SPEAK FOR HIRAM JOHNSON.

Coming to California to Aid Insurgents at the Behest of Colonel Roosevelt.

(Special by leased wire, the longest in the world.)

New York, July 12.—Colonel Roosevelt devoted almost five hours to consultations in this city to-day with candidates for Governor, progressives, conservatives, Insurgents and all sorts of Republicans. That Roosevelt is apparently backing the California insurgents was disclosed by Gifford Pinchot when, after a talk with the Colonel, he announced that he would take the stump for Hiram Johnson, the insurgent candidate for Governor, and for William Kent, the insurgent candidate against Joe Cannon's friend, Representative McKinlay.

Colonel Roosevelt found Gifford Pinchot and Marshal Stimson of Los Angeles awaiting him at his office when he alighted from his touring car about 11 a. m. The two were closeted with the Colonel for a half hour or more. As they departed Stimson jubilantly remarked:

"Colonel Roosevelt has gone over the California situation with us. As a result Mr. Pinchot will leave for California to-night. There he will take the stump for Hiram Johnson, the progressive candidate for Governor."

Mr. Pinchot corroborated what Stimson had said and added: "I shall make at least four speeches in California and some of them will be for William Kent, the insurgent candidate against Representative McKinlay for Congress. I shall also speak for the Lincoln-Roosevelt League, whose candidate for Governor is Hiram Johnson."—San Francisco Examiner, July 13, 1910.

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14.

ISSUES OF THE CAMPAIGN

OF 1898

SPEECH OF

HON. JAMES G. MAGUIRE

CHAMPION OF THE PEOPLE

METROPOLITAN HALL

WEDNESDAY EVENING, SEPTEMBER 14

1898

Issued by the Democratic State Central Committee

SETH MANN, Chairman

DEMOCRATIC STATE TICKET

1898

GOVERNOR	HON. JAMES G. MAGUIRE, Mills Bdg., S. F.
LIEUTENANT-GOVERNOR	EDWARD L. HUTCHINSON, Los Angeles
SECRETARY OF STATE	R. A. THOMPSON, San Francisco
CONTROLLER	T. W. MAPLES, Bakersfield, Kern Co.
TREASURER	WILL S. GREEN, Colusa, Colusa Co.
ATTORNEY-GENERAL	H. P. ANDREWS, Red Bluff, Tehama Co.
CLERK OF SUPREME COURT	H. A. McCRANEY, Sacramento
JUSTICE SUPREME COURT	WALTER VAN DYKE, Los Angeles
JUSTICE SUPREME COURT	WM. M. CONLEY, Madera, Madera Co.
SURVEYOR-GENERAL	I. H. MULHOLLAND, Independence, Inyo
SUPT. PUBLIC INSTRUCTION	CHRIS. RUNCKEL, Dutch Flat, Placer Co.
STATE PRINTER	EVERETT I. WOODMAN, Sacramento
RAILROAD COMMISSIONER	1st District, H. M. LaRUE, Sacramento
	2d District, WILLIAM M. HINTON, S. F.
MEMBERS BOARD OF EQUALIZATION	3d District, J. L. DRYDEN, San Diego
	1st District, JOHN P. DUNN, S. F.
	2d District, THOS. SCOTT, Livermore
	3d District, R. H. BEAMER, Woodland
	4th District, THOS. O. TOLAND, Ventura
MEMBERS OF CONGRESS	1st District, E. SEAWELL, Santa Rosa
	2d District, MARION DeVRIES, Stockton
	3d District, JOHN A. JONES, Alameda
	4th District, JAMES H. BARRY, S. F.
	5th District, WILLIAM CRAIG, S. F.
	6th District, C. A. BARLOW, San Luis Obispo
	7th District, C. H. CASTLE, Merced

ALLIED PRINTING TRADES UNION LABEL COUNCIL SAN FRANCISCO
BROWN, MEESE & CRADDOCK
419 SACRAMENTO ST.

SPEECH OF

HON. JAMES G. MAGUIRE

Delivered at

METROPOLITAN HALL

on

Wednesday Evening, September 14

1898

SAN FRANCISCO, CAL.

Mr. Chairman, Ladies and Gentlemen:

To say that I am pleased with this splendid gathering of my fellow citizens to aid in the opening of the campaign, and with the inspiring enthusiasm which you have manifested, would be to but feebly express the feeling which it brings to me.

UNION OF REFORM FORCES

We are entering upon a campaign which is certainly important to the interests of the people of our beloved State. We enter it under auspices that give us the brightest hopes of victory. We come as the representatives of the three great reform parties in California to-day—the Democratic Party, the People's Party, and the Silver Republican Party. We have the advantage of splendid records of State and Municipal administration behind us. We have a Democratic State administration which has fairly and honorably redeemed its every pledge to the people, and a municipal administration which has more than realized all the hopes of the people, who, with high expectations, placed our distinguished chairman, Mayor Phelan, in the honorable office which he now fills. (Applause.)

THE UNION TICKET

We enter this contest with a fair, honorable and satisfactory union of the Democratic, People's and Silver Republican parties for all of the great purposes and principles for which we stand. Our candidates were placed before the people by untrammeled conventions, representing and

speaking the sentiments of the common people of the State belonging to each of these respective parties. We come with a ticket, of the head of which more has been said than I would dare to repeat (laughter), on which, from the candidate for Lieutenant-Governor, Mr. Hutchison (applause), down to the last candidate on the ticket, are men whose public and private lives in the past have proved them worthy of trust and confidence, and they were nominated upon the recommendations and assurances of the people who knew their lives and records in their several sections of our State. (Applause.)

Of our nominees for the railroad commission, Hinton and LaRue, are known to the people of the entire State. Their struggles for the rights and interests of the people, in the great trust which they now exercise, and to which they are again to be chosen, will give strength to our ticket everywhere. Their associate upon the ticket, Mr. Dryden of San Diego, is a man equally faithful, equally reliable, and, although he is not so well known, he, too, was selected because of the reasons which controlled in the nomination of Hinton and LaRue.

For the Board of Equalization we have tried and trusted men. At the head of the list I place our fellow townsman, our honored ex-Auditor, ex-State Controller, John P. Dunn, of San Francisco. (Applause.)

For Representative in Congress in the Fourth District, no better or stronger nomination could have been made than that of James H. Barry. (Loud applause.) I know of no man to whom I would rather resign my seat in Congress than to my life-long friend, James H. Barry (applause), who will be the next Representative of this district. That he will be a fearless and worthy representative no San Francisco audience need be told.

William Craig, of the Fifth District, I have known for nearly twenty years. I have known him as an able lawyer, as a sterling Democrat, and as a man of the people. He, too, was nominated because he stands, and has ever stood, for the great principles and purposes which are recognized as being of supreme importance in this campaign. Mr. Craig will redeem the Fifth District (applause), and we will have a Democratic Representative in Congress from that District to stand with unwavering fidelity by the interests of the people whenever assailed by corporate aggressions. But for past divisions in that District, we would have had a man of the same principles, and of equal capacity in the 55th Congress. United in this campaign, we need have no fear of the result.

THE REPUBLICAN TICKET

On the other side we have a ticket that certainly was not happily presented to the people of California. Immediately upon the nomination of the Republican ticket, I took occasion to say, as Senator White has more emphatically said tonight,—that it was nominated by a convention dominated entirely by Southern Pacific Railroad influences.

My distinguished opponent, candidate for Governor on the Republican ticket, challenged my right to say that the convention, which nominated him and his associates, was dominated by railroad influences. I answered then, and I answer now, that its domination by railroad influences was matter of common reputation from all sections of the state from which delegates went to attend the convention; that its platform was and is a rail-

road platform, giving all that the Southern Pacific Company could have asked had the convention turned the writing of the platform over to its own attorneys. It was, in fact, turned over to some of the Company's representatives on the platform committee and is very largely the product of their hands and minds, if not actually furnished to them from railroad headquarters.

I stated then, and I state now, that every known railroad candidate that was supported in advance of nomination by the Southern Pacific Company was duly nominated by the convention. Before the convention named a man for any office on the Republican State ticket the "San Francisco Call" procured from some source the entire ticket that was to be nominated and published it, from Governor down to the last candidate upon the ticket, exactly as the convention afterwards nominated it. (Applause.)

According to the testimony of leading Republican newspapers, Southern Pacific tools and agents are managing the Republican campaign, and Southern Pacific attorneys are to conduct the intellectual part of it.

For further information, concerning this matter of railroad domination, I respectfully refer my distinguished opponent to the Republican Los Angeles "Times" of Sunday last (applause), and to several issues of the Republican "Bulletin" of this city.

I shall not this evening attempt to deal with all of the issues in the campaign, nor even to state them. I will be here again shortly to deal particularly with such issues as time will not permit me to discuss to-night. But I desire to state briefly what the Democratic platform in this State campaign is, for what it stands, to point out the clearness, soundness and absolute certainty of the positions taken by our party, concurred in by the People's and Silver Republican parties, and all of the promises of which we pledge ourselves to execute if we are—as I believe we will be—entrusted with the control of the government after the election in November next. (Applause.)

THE PLATFORM OF 1896

After declaring generally for the principles of Democracy as enunciated by Thomas Jefferson—the grandest enunciation of Democratic principles ever put forth—our State platform reaffirms the Democratic National Platform of 1896. That great declaration of Democratic principles, that great declaration of human rights, deserves, notwithstanding the general discussion of its planks and its principles in 1896, an entire evening. We stand for every principle therein enunciated. (Applause.) We stand for every purpose therein declared. We stand for the financial emancipation of our country, as the fathers of the Republic stood for her political emancipation from the thralldom of the "British System." But I must pass the discussion of those questions tonight.

CIVIL AND RELIGIOUS LIBERTY, as proclaimed by the founders of our Republic, is again declared for.

THE WAR WITH SPAIN

The platform upholds the war with Spain as a just and righteous war (applause), for liberty and humanity (applause), for the extension of the rights of man, as we enjoy them, to other peoples of this Western Hemis-

phere, who through an entire generation had been struggling manfully and bravely to attain them. (Applause.)

It commends and glorifies the noble service of our soldiers and sailors in that war. (Applause). They deserve such commendation. They have added luster to our country's fame and glorified her flag and made it respected throughout the world. (Applause.) To them all honor.

MISTREATMENT OF SOLDIERS

In the administration of the affairs of the war certain deplorable mistakes were made—mistakes resulting from incompetency somewhere, from negligence somewhere—resulting from negligence and incompetency that can have had no good excuse. Yet we are not in a position to place the blame, and we do not charge it upon anybody in particular. The failure to supply our soldiers properly with food and clothing and medical attendance and proper care is a scandal that must and will be investigated and the responsibility placed. (Loud applause.) Until that is done; until, after due investigation, we may say we know who was responsible and compel him or them to answer for that responsibility, we are willing to treat that scandal as a common sorrow of the American people and pass it thus in silence.

WORK OF RED CROSS SOCIETY

No; not in silence—not in silence. Out of the dark and inexcusable chapter written by this incompetency, written by this neglect to furnish needed supplies and care to our soldiers, there has come, even from that dark and unpromising source, a glory to our nation that will live in history with the brightest memories of the war itself. Out of all that dark and humiliating scandal has come the glory won by the volunteers of the Red Cross Society. (Applause.)

Into every breach left open by official neglect, to every suffering soldier—suffering not because Congress had failed to provide money for all his necessities, for Congress provided ample means, and infinitely more, but because of mismanagement—to the bedside of every suffering and neglected soldier, to every camp where privation, resulting from lack of clothing, lack of sufficient or proper food, lack of medicine, lack of medical attendance, lack of nursing, went the glorious women of the Red Cross Society and of other religious and benevolent orders devoted to that noble work of love and patriotism. (Loud and continued applause.)

Their history must be written with that of the greatest work of Dewey and Schley and Wheeler and Shafter, and other of our military and naval forces on land and sea.

I know of no incident of the war more touching and more glorious than was the visit of Annie Wheeler to Santiago as a Red Cross nurse. Annie Wheeler, daughter of General Joe Wheeler (applause), lived in Washington during the whole period of my residence there as your representative. I knew her as a gentle, genial and popular society lady, who would be expected to shrink from the hardships of the camp and the horrors of the hospital. Yet, at her country's call, she volunteered and went immediately to the shores of Florida, there eager to go on to the scenes of war and strife. And she went bearing the love and pity of our great nation's heart down to the hospitals on the fever-haunted shores of

Southern Cuba, bearing those blessings and tributes even to the smoking hell of battle, in which her gallant father led the fighting, and in which her brave brother followed the flag. (Applause.)

What she did every sister of the Red Cross Society stood ready to do. What she did, many others who went forth, but whose names are not yet recorded on the scroll of fame, did and did bravely. Honor to them. Out of the darkest chapter of the war's history comes the glory of the record made by those noble self-sacrificing American women. (Applause.)

THE WAR TAX

The Democratic platform condemns the war tax, and our Republican friends criticize the position which we took upon that measure. I shall not attempt to go into a detailed discussion of that measure now. I intend to do so in the course of the campaign. But I desire now to state that the measure was opposed by the Democrats, Populists and Silver Republicans in Congress to a man because, instead of distributing the burdens of the war among the people of our country equitably according to their means, according to their wealth, according to any just principle or canon of taxation, it was designed to levy the tax almost wholly upon the poor. (Applause.)

It was an American war, in which the poorest man in the country felt that he desired to bear a part of the burden as well as to share a part of the glory, but it was not right to make it a poor man's war by levying the burden of its expenses upon the poor. (Applause.)

The measure as finally passed by the Senate—thanks to the efforts of Senator White and a few others—was not so bad as when it passed the House ; but as it passed the Senate it was bad enough.

As it passed the House, it provided for raising about one hundred millions per annum, of which ninety millions were laid upon the consumption of the poor and the other ten millions distributed among the poor and the rich. As it passed the Senate, it provided for raising about one hundred and twenty millions per annum, and of that amount more than a hundred millions will fall upon the poor.

I have no time to analyze it now, but will cite just three provisions of the bill as examples of its injustice.

First, the beer tax of thirty millions per annum. The tax on beer falls almost wholly on the poor. (Applause.) It will be said, as it was said, that beer is a commodity of voluntary consumption among the poor, and that, therefore, it is proper to tax it because, if any poor man does not care to pay an undue proportion of the war tax, he can stop drinking beer.

The Chairman of the Committee of Ways and Means, Mr. Dingley, in his report to the House, makes the declaration that it is a tax on voluntary consumption, and therefore justifies it. Let us see. Was it the purpose of the measure to check the habit of beer drinking among the poor ? If it was, then it had a moral purpose which might be debatable. But that was not its purpose. The purpose was to raise revenue, and we declined to consider the measure from any other point of view. The Republicans expected to raise thirty million dollars per annum from that tax, and they expected the poor to continue drinking beer to the extent that would be necessasy to yield to the Government thirty millions per annum. If it was a tax on voluntary consumption, it was a tax on the voluntary

consumption of the poor, by which thirty millions per annum of the cost of the war were to be levied and imposed as a burden upon the poor. And so we condemned it. It was not intended as a measure to check or discourage the drinking of beer.

Cigars and tobacco in their various forms are taxed about thirty millions per annum more. How does that tax fall ? In proportion to wealth or means ? No, not at all. It falls, and is meant to fall, on the poor. (Loud applause, during which Governor Budd enters the hall and is heartily cheered.)

The tax on tobacco is distributed according to consumption, and the consumption of tobacco is as great with the poorest man who uses it as with the richest. The tax on tobacco is a tax on the poor to almost the entire extent of the thirty millions so to be raised.

Nearly thirty millions on patent medicines. Who are the consumers of patent medicines? Not the rich. The patent medicine advertisement is the poor man's doctor. It is the poor man's medical prescription. He buys patent medicines because he cannot afford to hire doctors and have their prescriptions put up at the drug store. The prescriptions of the rich are not taxed. The patent medicine of the poor is taxed. Whether patent medicine ought to be used or not is a question I will not discuss now. The fact is that it will be used ; that it is expected that the poor will continue to use it, and that if they do continue to use it they will pay thirty million dollars per annum war taxes on that commodity nearly thirty millions per annum—and I think that amount is under the expectation rather than over it. Thirty million dollars per annum is the contribution of the users of patent medicines to the expenses of the war.

In those three provisions alone the poor are being taxed nearly ninety million dollars per annum out of one hundred and twenty millions, and they bear much more than their fair proportion of all the other taxes laid.

Of the taxes laid ostensibly on wealth and privilege a very large proportion are shifted to the poor ; thus further increasing their burden. For example, the taxes on telegraph messages are all shifted to the senders of telegrams ; the taxes ostensibly laid on express companies are all shifted to their patrons, and so on.

THE BOND ISSUE

I shall not discuss the bond issue to-night. We opposed it as unnecessary. The present plethoric condition of the Treasury, which was not unexpected when the measure was up for consideration, proves that we were right, that the sale of two hundred millions of bonds at the time at which they were sold was wholly unnecessary. We have an enormous surplus of money, amounting to much more than three hundred millions, in the Treasury, which will approach four hundred millions when Congress meets in its next regular session.

We insisted that no bond issue should be considered until the next session of Congress, when, if the war with Spain still continued, we might consider whether or not it was necessary thus to burden the people, and thus to contract obligations amounting to five hundred million dollars, or even two hundred million dollars, that must be paid almost two dollars for one by this generation and the generation coming immediately after us.

In addition to this surplus in the Treasury the President has power to

raise one hundred millions additional, by issuing temporary certificates to that amount. But I must hurry on to other subjects.

TERRITORIAL EXPANSION

On the question of territorial expansion the Democratic platform takes the only position that the situation as it now exists could possibly justify. It takes the position that has been taken by the President of the United States, namely: that before we determine what shall be done in that matter we ought to know what, in view of all the conditions as they exist, will be best for the interests of our country. Because of our almost absolute want of knowledge on that subject, the President of the United States committed that matter for investigation and preliminary determination to a commission—to the Peace Commission—made up of a body of able Americans capable of taking care of the interests of this country in the negotiations that will soon commence in the city of Paris.

We thought that we had done very well in tacitly accepting as statesmanlike and proper the position taken by the President of the United States. And for myself, I said then, and I say now, the President of the United States, though a Republican, did in that matter what I would have done if in his place; and I will never condemn the representative of another party in charge of any department of my government for doing what I would have done were I in his place. (Applause.)

But our Republican friends, taking our platform as a framework for theirs apparently, and spoiling it as they went on fixing it up (laughter), seized upon this plank and denounced it and declared against it, all forgetful that in so doing they were simply declaring against our approval of their President's action. They have found out something about it since, and what they have learned seems to have rattled them.

OUR REUNITED COUNTRY

The Democratic platform justly recognizes as one of the greatest and most permanent benefits of the war the reuniting of all sections of our common country (applause); the wiping out of all lines of sectionalism and every vestige of sectional hatred. The Republican party does not seem to think that that has been accomplished, or, if it does believe that it has been accomplished, it seems disposed, for temporary political purposes, to sever, to disunite again the elements that have been thus cemented. They have been warned against this attempt. They have been warned against drawing the invidious line which would again restore or attempt to restore sectional conflicts among our people. They did not take the warning soon enough. But the reports from Vermont and from Maine (applause) indicate that they had better bury the bloody shirt; that they had better consider the animosities and heart-burnings and sectional divisions created by the war of the rebellion forever at an end, or the warning given them in Maine and in Vermont will amount to a castigation by the time they get to California. (Applause.)

THE NAVY

The platform declares for a suitable increase in the American navy, and the plank on this subject is amply self-explanatory.

THE NICARAGUA CANAL

It declares for the construction of the Nicaragua Canal. (Applause.) That is not a new declaration on the part of the Democracy of California. But I call attention here to the difference between the Democratic and the Republican platforms on that question. The Republican platform declares in favor of the construction of a Nicaragua Canal, but it leaves the question as to how it shall be constructed, and how controlled, entirely open to the discretion of those to whom it would have you commit the question.

The Democratic platform declares against repeating the mistake made in subsidizing the Pacific railroads (Applause), and in favor of having that great highway connecting the Atlantic with the Pacific ocean made a national enterprise (Applause), constructed, operated and controlled by the Government of the United States (Applause), as it should be, as it can be, as it will be if the people are true to themselves.

We want no repetition of the experience of the government with the subsidized Pacific railroads. We want that ship canal constructed for the benefit of commerce, for the benefit of our country, for the convenient operation of our navy, for all purposes that the people have in seeking its construction, and not merely for the enrichment of a few subsidized toll gatherers who will sit at its portals to obstruct the very purpose for which the subsidy is to be given. (Applause.)

PACIFIC RAILROADS

On the Pacific railroad question, the Democratic State Platform contains ringing and unmistakable planks.

It condemns the action of the 55th Congress, at its last session, in passing a refunding measure. I say a refunding measure because the measure passed was nothing less, though clothed in form intended to deceive unthinking people.

Our Republican friends say that they appointed a commission to settle and collect the debts due from the Central Pacific Railroad Company to the government. In fact they did nothing of the kind. They appointed a commission it is true—a commission of Cabinet officers—honorable men; men whom I would trust with great business affairs, but to whom I would not commit the settlement of the Pacific railroad question after the experience that we had had in dealing with that matter in Congress. (Applause.)

But the act gives no discretion whatever to the commission. It has power to do only one thing. It has power only to arrange for refunding the indebtedness for a period of ten years. If refunding is not accomplished the commission will be a failure and the act itself will fail of all its purposes.

The Republican platform declares that the bill in question provides for the collection of the debts due from the Pacific railroads. It does nothing of the kind. There was no need for any bill for the collection of the debts. They were due. The Thurman Act provided the remedy. The roads were subject to foreclosure. The Attorney General was proceeding to foreclose. He had written letters and given statements repeatedly declaring that he was proceeding with all possible dispatch to foreclose the liens of the Government upon those roads. The passage of that bill

stopped the collection of the debts by foreclosure proceedings. It did not refund the debt directly, but it gave one year to the Central Pacific Railroad Company, simply as a favor to Mr. Huntington and his associates, within which to decide whether or not it would enter into a refunding agreement to pay the debt in twenty semi-annual installments covering an aggregate period of ten years. The measure, therefore, when analyzed, appears to be a refunding bill and nothing else.

The provisions of that bill will not be carried out. We are so informed by Mr. Huntington himself. It is only a starter. It declares for the principle of refunding, and it creates a commission to sidetrack the whole matter of the collection of the debts for at least one year. As originally drawn the bill was intended to delay forclosure proceedings indefinitely.

Mr. Huntington, in interviews since published in the "Examiner" and "Call" of San Francisco, declares that the debts will not be settled under the terms of that bill ; that there will be further legislation on the question ; that a great many things may happen within a year—that he has seen a great many things happen within a year. If he wins this fight in California he will get the time he wants. He wants more time and less interest. Those are the advantages that he has always been after. (Applause.) He has repeatedly declared, and his lieutenants have repeatedly declared, that upon a straight contest upon that issue in California the position of those who have opposed the refunding of the Pacific railroad debts would be overturned by the people ; and that the Southern Pacific Company would have the support of the people of California, out of gratitude for what the company has done to build up the State and make the people happy. That is his idea of it, and he does not hesitate to say so.

My distinguished opponent the other night, in Los Angeles, after stating that my reputation rested largely upon my opposition to the refunding bill in Congress, took his hearers into his confidence and said that, although he had never had an opportunity to vote against the refunding bill, he had always been opposed to it, or, as he put it, "You and I, and nearly every person present, have been unalterably opposed to that refunding bill since the early days of California." "Since the early days of California!"—I quote his language. I have it here. Well, he has the advantage of me. (Laughter.) I was not aware of the existence of the funding bill during the early days of California. I had understood that it was first suggested in 1885. It first came up for practical consideration and into public notice in 1893. Yet he has been battling against it since the early days of California. (Laughter and applause.)

I think he must have made a mistake as to what the refunding bill was, or he must have been dreaming about the early days of California.

On this refunding measure I want to say that every Democrat in Congress, with just one exception, every Silver Republican and every Populist in Congress voted against the measure, and they stand committed to oppose any extension of the time for payment given by the existing law and to oppose any modification of the terms of the existing law which would in any way favor the continuance of the Southern Pacific monopoly now enjoyed and recently extended by the terms of the bill in question. Mr. Barham, of California, voted for that refunding bill. In voting for the bill he voted against the assurances

that he had given to the people of California for over four years previously.

In the 54th Congress, Mr. Barham, as part of his argument against the Power's Refunding Bill, presented and read a resolution passed by the Legislature of California declaring against any refunding or any extension of the time of payment of the Pacific Railroad debts—because any extension of the time of payment of the debts meant an extension of the monopoly control of the Southern Pacific Company over the commercial and industrial interests of California; and he then declared himself opposed to any extension and opposed to any refunding. He did, in July last, vote for extension; he did, in July last, vote for refunding. Now he says that he voted for the bill because the House adopted an amendment which he offered, and that, if I had prevented him from getting his amendment adopted, he would not have voted for the bill. The burden of his plaint is that I should have protected him against himself; and that I could thus have protected the people of California against him.

We have his word for it that he would not have voted for the bill if his amendment had not been adopted, but we had his repeated assurances, previously given, that he would not vote for any refunding measure, nor for any extension of the time for payment of the debts. His amendment made the bill a great deal better than it was before. The difference between the bill with his amendment, and the bill without his amendment, was this: That his amendment limited the period of negotiations for refunding to one year, while the Senate had imposed no limit. The foreclosure proceedings, that would have been well under way to-day but for the passage of the bill, may be instituted a year hence under Barham's amendment, whereas if Barham's amendment had not been adopted and the bill had passed, as in my opinion it would have passed, there would be no foreclosure until a new bill could be passed reviving the right of foreclosure.

You can readily see what that would have resulted in. Mr. Huntington could have prevented foreclosure then by simply resisting new legislation. Mr. Barham was not quite willing to give them such unlimited delay, but he was willing to give them a year. He was willing to give them a year because he could not have been renominated for Congress if he did not (applause); but he was not willing to give them unlimited time because a nomination would be no account to him if he did. (Applause). So he hit upon a happy expedient and decided that he would try to please the S. P. Company by supporting the bill while satisfying the people with his amendment.

We have his assurance that he would not have voted for the bill if his amendment had not been adopted, and that probably some other people would not have voted for the bill if he had not. But we had his previous assurance that he would not vote for any refunding bill nor for any extension. After he had changed his mind on that subject, I would like to know how any rational man can be blamed for doubting that by making the bill somewhat worse than it is Mr. Barham could have been induced to vote against it?

I believe that the bill would have passed the house without Mr. Barham's amendment. I believe that the situation that had been created in the House of Representatives at the time of the vote on that bill made it impossible to beat it with or without the amendment. I do not know how

Mr. Barham would have voted if his amendment had not been adopted. I am willing to accept his word that he would have voted against it, although his previous change of mind on the subject of voting for any refunding bill, makes me fear that the pressure of railroad influence might have been sufficient to induce him to vote for the bill even if his amendment had not been adopted. Certainly, it was a fortunate thing for the people of the State that the period for negotiation was limited to one year. Without that limitation upon the period for negotiation, Mr. Huntington would have stepped into the position of advantage which the representatives from California occupied for five years before, where he could have resisted and prevented further legislation for years while enjoying his monopoly.

We, unable to secure affirmative legislation of any kind, were able for five years to prevent legislation for refunding the railroad debts until July last, when, by a trick unexampled in the history of Congress, the refunding measure was injected by the Senate into a two hundred and twenty million dollar war appropriation bill. The refunding measure was returned to the House as a part of that bill at a time when it was impossible for the opponents of the measure to rally their forces and quite possible for the railroad cohorts to rally theirs.

MR. GAGE'S BLUNDER

My distinguished opponent, in his Los Angeles speech, says that I could have prevented the passage of this refunding bill by simply saying: "Mr. Chairman, I object to the consideration of that bill." He gives me the formula. He has never been in Congress, but he knows exactly what I ought to have done there. My five years' of experience in Congress—nearly six years—have gone for very little in his estimation, and, if his view of the matter be correct, I really have not learned much there in six years. If he is not right, he has made a great and a most humiliating mistake. He says: "James G. Maguire stood there, and, had he raised his voice, had he said simply, 'Mr. Chairman, I object to the consideration of that bill,' it never could have been considered." (Laughter and applause.)

That is his idea about it. Think of it. What was the bill? A general deficiency bill carrying appropriations for the support of the army and navy, in time of actual war, amounting to nearly two hundred and twenty million dollars. The funding proposition was part of that bill, incorporated in it by the Senate. Now, his idea is that if I had got up there and said: "Mr. Chairman, I object to the consideration of that bill," the whole business would have stopped right there.

What would have stopped?—Why, the war with Spain would have had to stop. The army and navy would not only be without proper supplies and clothing, and food and medicine, and medical attendance, but the government would have been without means to bring our soldiers back from the positions of danger to which we had sent them. The idea that one man in a Congress of 360 representatives and delegates could absolutely prevent the consideration of legislation of that kind by standing up and saying: "Mr. Chairman, I object to the consideration of that bill," is a little too absurd for serious discussion.

No, my friends, the Congress of the United States has many faults and many deficiencies to answer for, but it is not such an imbecile body as that. It is not an assembly of fools. There was no way in which to prevent the passage of that measure in the House of Representatives, save and except by a majority vote to non-concur in that Senate amendment on the floor; and there were too many Republicans supporting the railroad side for that. (Applause.)

RAILROAD COMPANY'S REVENGE

Mr. Hilborn of the Third Congressional District stayed with us in opposition to that measure and spoke against it and voted with us against it. (Applause.) He was warned, as others were warned, that if he opposed the measure he would not be renominated. But Mr. Hilborn came to me (for I was accorded the courtesy of controlling the time in opposition to the bill) and said to me, "Judge, I want to speak against that refunding bill, no matter what it may cost me." (Applause.) I gave him time and he used it. He made a speech against the bill. He stood by the position that he had maintained in the three Congresses, in which I served with him. When he came back to his district the Southern Pacific Company defeated him for renomination, simply because he had voted according to his convictions and the pledges that he had given to his people.

I have nothing to say against the distinguished gentleman who received the nomination in the Third Congressional District. Mr. Victor H. Metcalf is a gentleman, a friend of mine and a man above suspicion. He was not supported in my opinion because of any love for him on the part of the Southern Pacific Company, but he was supported as a means of punishing Hilborn; and Hilborn was defeated, because he dared to stand, according to his convictions, for the popular right against the demands of that iniquitous corporation. (Applause.)

TRANSPORTATION CHARGES

Passing from the Pacific railroads to our domestic railroad problems. The Democratic platform declares for a principle, and a method of dealing with transportation charges which is specific and clear, and will be effectual if adopted. I cannot discuss it to-night, but a simple statement of its terms will show that it is both practicable and just.

In allowing freights and fares, commissions and Legislatures throughout the country have been considering the value of the franchise as the more important and valuable element of the railroad investment. Now franchises are mere privileges given by the people of the State to the companies. Why should a railroad company be allowed to collect interest from the people upon the value of a privilege which the people have given to the company? (Applause.)

The Democratic platform declares against allowing interest upon the value of any privilege enjoyed by a railroad company from the State. If any interest should be paid upon the value of such privileges the men who hold the privileges ought to be compelled to pay the interest to the people who gave the privileges to them. (Applause.)

Why, my friends, if the Peace Commission, in investigating the conditions existing in the Philippine Islands should discover a community on one of those islands that would admit the justice of requiring a man who

gave a privilege to another to pay interest to the beneficiary upon the value of the privilege, the Commission would report that it would take about twelve generations to bring the people of that community up to a condition of civilization suitable for self-government. (Applause.) Yet we have been consenting to that very injustice for thirty years.

There is no answer to the proposition of the Democratic platform on this question. There can be none. Let me say further, that it is not a mere matter of speculation or theory. The people of the State of Texas, in 1891, proceeded to reduce extortionate charges for freights and fares upon the very principle for which we declare. After a struggle of nearly seven years, in the courts, they have succeeded, and the railroad question is practically solved in the State of Texas. (Applause.)

WAGES OF RAILROAD EMPLOYEES

While the Democratic State Convention was in session, the political machine at the corner of Montgomery and Market streets was put in operation to checkmate us. Certain gentleman were sent to Sacramento, representing some mythical political association of railroad employees, said to have been organized by Mr. Herrin, and provided with literature by Mr. John E. Foulds, of the Law Department of the Southern Pacific Company. They came with Mr. Foulds's literature, and protested against the adoption of any such plank as we have adopted, because they said : " It will hurt the railroad employees." "If you reduce freights and fares," they said, "the railroad companies will recoup themselves by reducing our wages." "Well," we replied : "that is a bad state of affairs; but certain it is that railroad companies must not be permitted to rob the people of the State in general simply because if we stop them from doing that they will begin to wrong their own employees. We must stand for the rights of the people of the State, but we will do what we can to protect you at the same time." (Applause.)

And so the Democratic State Convention adopted an additional plank on that subject and declared, in substance, that, whereas, in fixing freights and fares it is the duty of the Railroad Commission first to allow operating expenses to the railroad companies ; and, as operating expenses include all wages of labor, it is only necessary for the commission, in order to protect the employees from the rapacity of their employers in the matter, to simply require the companies to certify what wages they pay, and what rates of wages, for which they want allowance made ; and when the allowance is made upon the basis certified by the companies, to prevent the companies from defrauding the State and defrauding their employees by taking to themselves any part of the wages so certified and allowed. (Applause.)

This proposition does not involve an interference with the freedom of contract between employers and employees, but it does completely take away the incentive of every railroad company to reduce the wages of its employees in order to recoup itself for reductions of freights or fares. Under such a rule no railroad company would have any object in reducing the wages of its employees, because it could not take to itself the amount saved by the reduction.

SAN PEDRO HARBOR

The platform declares in favor of liberal appropriations for our rivers and harbors, and promises that such liberal appropriations by Congress

shall be advocated and, if possible, secured by our representatives in Congress, and declares for the application of the appropriation made for San Pedro Harbor to that work. For, in addition to what Senator White has told you, there is still on foot an effort to divert some twelve hundred thousand dollars of that appropriation from the public harbor of San Pedro to fix up the private harbor of Mr. Huntington at Santa Monica, and we propose that that shall not be permitted. (Applause.)

MINING INDUSTRY

It makes careful provision for the mining industry.

ELECTION OF U. S. SENATORS

It declares for the election of United States Senators by direct vote of the people. (Applause.) So that the United States Senate shall be a representative body, and not as it has been, a mere millionaires' club. (Applause.)

GOVERNMENT BY INJUNCTION

It declares in positive and explicit terms against government by injunction. (Applause.) That plank in our platform is assailed in the Republican platform—assailed in fierce invective—declared to be an assault upon the judiciary and upon the judicial department of California generally. Not at all; not at all. If the judicial department will keep within the limits of its constitutional function, it has the support, and will have the support of every Democrat, Populist and Silver Republican who supports us in this fight.

But, when the judiciary attempts to legislate by injunction, it ceases to exercise judicial functions. It invades a function reserved to the legislative department and to the people, and it threatens the very substance and life of our free institutions and of popular sovereignty. (Applause.)

To say that we must submit in silence to such encroachments is to deny our right to preserve, by protest, and by our political opposition, our freedom, and the popular rights that were secured by the blood shed for those priceless boons in the American revolution. (Applause.) We will not permit any man, nor any tribunal, nor any department of this government, to make laws for the people unless that man or that department has been chosen under our constitutions as a law-maker or as a law-making department. (Applause.) We do not consent to the making of laws by the judiciary. Thomas Jefferson pointed out the very danger against which we declare, in the very practice which we condemn, and which the Republican State platform upholds, when he said that if our free institutions shall ever be destroyed, they will be destroyed through the encroachments of the judiciary upon the legislative department. Every such encroachment must be marked and condemned, and opposed by every patriot, even as we oppose them. (Applause.)

LABOR

In the interests of labor, the Democratic State platform declares in favor of the passage substantially of the Fitzgerald bills, rejected by the

last Republican Legislature, contrary, it is said, to positive assurances given before election that they would be passed.

It declares in favor of extending our laws against contract labor to the Hawaiian Islands. (Applause.) You will remember that one of the subjects of contention in the passage of the Hawaiian Annexation Bill was that, under the bill as it was passed, contract labor may be used and held in subjection on those islands. An effort was made to amend the bill in that behalf, and it was voted down, nearly every Republican in the Senate voting against the proposition to abolish contract labor, and nearly every Democrat and Populist there voting in favor of annuling the existing labor contracts, and maintaining our time-honored demand that the flag of our country must never float over an un-free people (Applause) : that those people must be made free ; that they must not be held in contractual slavery.

One of the answers made to our proposition in that behalf was that the Constitution of the United States would annul the contracts as soon as its beneficent influence would be extended to the island. Unfortunately, that is not now the case.

Until very recently it was supposed that involuntary servitude under contracts for labor came within the inhibition of the thirteenth amendment. The United States Supreme Court has held that servitude, voluntary at its commencement, can never become involuntary, and that servitude created by contract can never become involuntary servitude.

That looks a little like a repeal of an important portion of the thirteenth amendment to the federal constitution by judicial legislation. But however we may regard it, the limitation put by the Supreme Court on that clause of the federal constitution makes it imperative, if we would have that freedom which we hope to be secured to all beneath our flag, that industrial freedom shall be extended by statute to all the people of the Hawaiian Islands. (Applause.)

CONVICT LABOR

The platform declares against the competition of convict labor with free labor. It favors the improvement of public roads and highways, and declares for what we need here very badly, a primary election law that shall enable political parties to hold primary elections with the same security with which general elections are now held. (Applause.)

FOOD ADULTERATION

Food adulteration is denounced and assurances given that it will be suppressed.

STATE TEXT BOOKS AND STATE UNIVERSITY

The platform favors the continuance and improvement of the State text book system. (Applause.) It assures support to the State University—liberal support. (Applause.)

SAN FRANCISCO CHARTER

It pledges every candidate for Senator, and every candidate for member of the Assembly, and the Governor, to the ratification of the new Charter of the City and County of San Francisco. (Loud applause.)

The Republican platform avoids any promise on this question, as you will observe by reading it.

The Democratic platform is specific. It deals with the San Francisco Charter and pledges the officers that will have to deal with the question to support its ratification.

ABOLITION OF THE POLL TAX

It declares for the abolition of the State poll tax. (Loud applause.)

LOCAL SELF GOVERNMENT

It declares for amendment number ten, now pending to the Constitution of California, giving the people of counties in the State the right to a voice in determining by what rules and in what manner their county governments shall be administered. (Applause.)

DIRECT LEGISLATION

It declares in favor of the principle of direct legislation and in favor of its immediate application to municipal affairs. Much denunciation has been heaped by the opposition press and by opposition speakers upon this plank in the platform—for direct legislation. The control of their laws by the people—that is what it means. It does not mean, as they contend, that all laws shall be necessarily adopted by that method.

The Democratic system of government involves in its very essence direct legislation. The Republican system—and that is the only distinction between Republicanism and Democracy as abstract terms—is a government by agency, by agents selected by the people. The Republican system, which has been acquiesced in in this country from the beginning, has given to such agents absolute power—power not to be controlled by the people during their terms of office. That has been found to work badly. It has been found that combinations of people interested in special privileges have interfered with elections; have sought by corrupt combinations and corrupt influences to control elections, and have succeeded in doing so; that they have bribed and otherwise corrupted legislative representatives in State, county and municipal governments, particularly in municipal governments, in the great scramble and struggle for the riches that come to the specially privileged under the favors of municipal legislatures.

Now, if special privileges are to be continued at all, and popular government is to be continued, you must in some way make such corruption ineffectual. You must restore to the people the power that they never should have abandoned—the power, whenever a flagrant violation of their rights is committed by their representatives in any legislative body, great or small, that a reasonable percentage of the people can bring about a review of that action by calling for a vote of the people upon it. (Applause.) That is the meaning and purpose of that provision.

A leading Republican paper in a column editorial, the other day declared that the referendum, as we have it in California, has worked badly. The referendum to which it refers is the reference of constitutional amendments to the people for consideration and action. I say it does not work badly. I say that if the people of this State should abandon their right to pass upon constitutional amendments, it would be a

death blow to their liberties—a death blow to their most sacred rights. It would be the destruction—the almost immediate destruction—of all that is great and glorious in our free institutions.

That the people must abandon their rights in order to secure good laws for themselves is a fallacy that finds support only among advocates of special privileges. The need of the people to-day is not that they shall get power out of their hands, but that they shall get power back into their hands. (Applause.)

Not one law in a hundred would ever be submitted to the people for action under the principle of direct legislation. No; ninety-nine out of every hundred of their laws would be all right. (Applause.) But there would be a tremendous popular advantage in having the right and the means to repeal or annul the hundredth bad measure by an appeal to the people directly.

Some gentlemen call this method undemocratic. I would like to know in what school of Democracy the man was educated or trained who says that any proposition to lodge greater power in the people is undemocratic. He was not trained in my school of Democracy, and I repudiate his Democracy.

FICTITIOUS ISSUES—THE SINGLE TAX

Now, my friends, I have gone substantially through the platform. I intended to say a few words on other questions, and I shall do so very briefly. In order to escape all of the propositions contained in our platform, in order to avoid their discussion, in order to shelter the special privileges against which they are aimed, the Republicans cry out that the Democratic candidate for Governor believes in the Single Tax (loud applause), and that, therefore, the State would be likely to become a single tax State right away if he should be elected.

They flatter me overmuch in that suggestion. They are attempting to fill the people of the State with fear of the tremendous power that I would wield as Governor of the State. They are told that the Constitution of California, as it stands at present, prevents the adoption of the single tax. But they say, that to a man like the Democratic candidate for Governor, a change in the constitution would be a very simple matter to secure; that if he should be elected Governor somehow he would at once convince the people of California that they ought immediately to adopt the single tax. I wish I could feel that I would have that influence over the people. (Enthusiastic applause.)

Now, let me tell you, my friends, why it is that the single tax is not and cannot be an issue in the present campaign. First, because it cannot be adopted until the people adopt a constitutional amendment; and when the people are ready to adopt such a constitutional amendment, the man who says they should be prevented from doing it is not an American. (Loud applause.) Not only is he not a Democrat, but he is not an American. (Applause.) The people of this State have a right to adopt such constitutional amendments as a majority of the people may desire to adopt. (Applause.)

But no such change in our system of taxation can be made until the people do adopt a constitutional amendment providing for it or authorizing it. But there is a difficulty in the way even greater than that.

Under the present constitution a constitutional amendment cannot be submitted to the people for consideration so long as fourteen senators out of forty, or twenty-seven assemblymen out of eighty, shall be opposed to it. If the Republicans, being opposed to it, should be able to elect three Senators in the present campaign—though I hope they may not be able to do it, and they seem to fear that they cannot do it, because otherwise they would have no fear of me—if they can elect three Senators in addition to those that they already have there, for the next two years it will be impossible to get such an amendment submitted, even if we get the whole eighty members of the Assembly to favor it and all but fourteen members of the Senate.

Then, if two years hence they have any hope of electing eleven senators out of forty, or out of the twenty to be then selected, why, the amendment can't be submitted for another two years, if the Republican party continues to oppose it, and they need have no fear of me. If they fear that they cannot elect three Senators this time, if they fear that they cannot elect eleven next time, or if they fear that they cannot get twenty-seven members of the Assembly next time, and that they will not have fourteen Senators, why, their alarm has some possible foundation. (Applause.)

But even then they forget another obstacle that I would run up against in trying to submit such a constitutional amendment to the people. I do not want to discredit my own power as they have conceded it to me, for it rather flatters me to think they are so much afraid of me, but I must out of deference to the truth state what the situation is.

If we should defeat the Republicans so overwhelmingly that they would not elect three Senators this time, and that they would not have either fourteen Senators or twenty-seven Assemblymen two years hence, I would still encounter the obstruction that would result from the fact that my own party has not declared in favor of the proposition, and that I would probably encounter the opposition of fourteen Democratic Senators and of twenty-seven Democratic Assemblymen.

So you may see that the danger—the bogie man—that the gentlemen of the platform committee of the Republican State Convention presented to the people has very little substantial existence, and that the reason why single tax men are not pressing their proposition to an issue in the campaign is, that in the present state of popular education upon the subject, it would be a waste of energy for them to do anything of the kind.

Do the Republicans really believe that the single tax is likely to be adopted if I were elected? Do they really fear that? Or are they resorting to the false pretenses of 1896? Are they doing as they did in the Tilden campaign in 1876, when they went over the country with their hands raised in holy horror, and tears in their voices, declaring that if Tilden were elected the Confederate debt would be assumed by the Federal Government? They actually secured the electoral votes of some of the States upon that ridiculous pretense.

Are they again trying to frighten and bully people into supporting their ticket, as they did in 1896, by presenting fictitous issues and threatening financial ruin and various evils to the poorer classes of the people of the country if they should support their own interests and should not support the monopoly interests represented by the Republican party?

They can fool the people that way sometimes, but they cannot fool the people that way twice, at two successive elections. (Applause.)

The Republican convention, judged by its platform, did not know what the single tax was, and most of those who adopted that platform seem not to know yet. They say that it is Socialistic and Anarchistic. Now, it cannot be both. Anarchy is the abolition of government. Socialism is the concentration of all power, of all industries, and of all enterprises, in the government. The one is the opposite of the other. (Applause.) Yet they declare in their platform solemnly that the single tax is both Anarchistic and Socialistic. They did not know what it was at all. They thought it was something wicked, but they did not know what it was.

The "San Francisco Chronicle" comes to their relief in the matter, and attempts to save them from public ridicule. It admits that in the Republican platform a great mistake was made in this matter—that the single tax is not Socialistic, is not Anarchistic; that it cannot be both. But it says that the Republican platform did not mean that it was. They just put in those two words, says the "Chronicle," because they were words. (Laughter). They were just words without meaning.

Well, I guess the "Chronicle" was right about it. They did not know what it meant, and they just put in "Socialistic" and "Anarchistic" because they were scare words. They seem to have made up their platform pretty generally in the same way. (Applause.) They liked certain words and put them in the platform in connection with what they proposed to do, and they disliked other words and put them in to condemn and stigmatize their opponents.

In their plank on the money question, they declare for the gold standard, and then they declare for an international monetary agreement. Now, what is an international monetary agreement? It is an agreement about money, they say. But what kind of an agreement about money? What is it to be for? Not for bimetallism; they have dropped that term out. They were abandoning the bimetallic theory in sections. They were withdrawing from it. They were clipping off the tail of the animal by inches, so as not to cause it too much pain. So they retained the old international bimetallic agreement plank in their platform, and clipped off the words "For bimetallism." They clipped off those two words, and left the thing absolutely without meaning—just words.

Now, my friends, although the single tax is not and cannot be an issue in this campaign—for the Republican party, by declaring negatively against the principle, cannot commit the other party to the principle—it can act for itself only — yet, I am not willing that my personal opinions on the question of taxation shall be misrepresented in this campaign for the purpose of creating prejudice.

They say that the single tax is intended to shift the burdens of taxation from the wealthy people of the cities to the farmers. Their sympathy for the farmer may be questioned, but I shall not stop to question it now. I shall attribute the statement to ignorance. Let us see about that.

The farmers of this State now pay more than fifty per cent. of the taxes for the support of the State in their direct taxes upon their homes and personal property, and indirectly upon the commodities on which the taxes paid by merchants and others, are shifted to them. If the farmers could have their share of the State taxes reduced to twenty-

five per cent. of the whole, they would be doing very well. Let us see how they would fare under the single tax system.

Land values are now assessed separately from improvements in this State, and the total land value assessment for 1897 was, I believe, $654,000,000. The figures will be found in the reports of the State Comptroller. Of that amount of land value assessed, the City of San Francisco alone contains nearly one-third. Seven cities of the State contain more than fifty-five per cent. of all the land values of the State. The other cities and towns certainly contain another twenty per cent., making seventy-five per cent. Of the remaining twenty-five per cent. not more than half is owned by occuping farmers—more than half is owned by speculators, or by others, domestic and alien, who either farm the farmers, (applause), or exclude the landless poor from all opportunity to establish homes.

Under the single tax system, then, the farmer would pay not exceeding twelve and one-half per cent. of the State taxes, as against fifty per cent. that he now bears, and his exemptions would amount to vastly more than the increased tax upon his land value.

To the farmer the single tax would be a beneficence, as can be demonstrated from the tax-rolls and official records.

I am not now advocating the expediency of adopting the single tax, because I will not be drawn aside from the issues of the campaign to discuss questions that are not in issue. (Applause.) But I do say that the statement which I have just controverted is glaringly untrue.

Leading Republican organs are declaring, and have repeatedly declared, that the single tax would drive capital from the State. Let us see about that. What is capital? Capital is movable wealth devoted to the production of new wealth. Now, all such property would be exempt from taxation under the single tax system. Would exemption from taxation drive capital out of the State? (Applause.) Is there any man who thinks so outside of the editorial rooms of railroad papers? (Applause.) Or outside of the platform committee of a Republican railroad convention?

It would not drive capital outside of the State; it would tend to draw capital into the State. Whether it is good or bad, it would bring capital into the State instead of driving it out. Would it drive other forms of movable wealth out? No; they would be exempt, and they would flow into the State on the same principle. Exemption from taxation never drives capital or any other kind of wealth out of a State.

But they may say, "It would drive land out of the State." (Applause and laughter.)

If it would not drive the land out, there is nothing else that is useful to be driven out. So the utter falsity of their statement in that behalf becomes perfectly apparent.

The trouble with all these people is that they are ignorant of the subject they are discussing—utterly ignorant. (Applause,) So ignorant that men who understand it dislike the simple task of answering them.

They say it is a measure for the confiscation of land. Not at all. It is not a proposition to confiscate land. The confiscation of the land would put an end to the single tax. Can you apply the single tax to land belonging to the State? Certainly not. If it is to be taxed it must be in private

occupation, and it must be in such exclusive private occupation as will admit of taxation. (Applause.)

If the single tax is to be continued, the segregation of land into private holdings, with exclusive right to control of the private holdings such as gives the basis and foundation for taxation must continue to exist. That is the purpose of those who advocate the single tax.

But I will tell you what it would stop. It would stop two men like Miller and Lux from holding fourteen million acres of the land of these three or four Pacific Coast States and Territories in comparative idleness for speculative purposes while hundreds of thousands of American families are barred from opportunities to make homes of their own. (Loud applause.)

It would distribute the burdens that are now borne by the farmers and by the manufacturers, and by the merchants and by the laborers, upon their homes and business and industries over all these holdings, including the holdings of the speculator, and it would impose less taxes upon the homestead owner, be he farmer or the owner of an urban home, than falls upon him now. (Applause.)

Have you thought what a princely possession Miller & Lux—the firm still exists, I believe, under the control of the surviving partner—are barring the people of this country away from for the mere purpose of speculation? Fourteen million acres of land—nearly 23,000 square miles of land, an empire, which, if extended around the earth at the equator, would form a belt a mile wide, reaching almost entirely around the earth.

If the single tax were an issue in this campaign, I would point to that kind of land monopoly on the one hand, and the oppression and degradation of the people excluded from the land by monopoly as the things that the single tax is intended to extirpate. (Loud applause.)

But the single tax is not an issue in the campaign and I shall therefore decline to enter upon its discussion in detail.

THE SAN FRANCISCO "CHRONICLE"

There is one other thing to which I desire to refer for a moment, and that is personal. The San Francisco "Chronicle" has been assailing me with gross villification ever since the opening of the campaign —aye, long before the opening of the campaign. Its editor, we are told, has assurances that if the Republican Legislative ticket shall be elected he will become United States Senator, and he is trying to earn the place by villifying his opponents. Those of you who read the "Chronicle" of twenty years ago will recognize in its columns to-day the old style of blackguardism from which no decent man was exempt in those days. (Loud applause and cheering.) And no decent man will be exempt from its blackguardism now, if, by blackguarding him, Mr. DeYoung can get anything that he wants. (Applause.)

Whenever you see the columns of that paper reeking with blackguardism, you may know that Mr. De Young is after something. He is after the United States Senatorship now. (Cries of "He will never get it.") Well, I don't know about that. He will get it if the railroad ticket wins. (Applause.)

Mr. De Young has been obliged to state that he is not a candidate for United States Senator. It would defeat the possibility of his being Senator if he did not deny it. (Applause.) He must deny that he is a candidate in order to stand any chance of election. But those of you who have studied Republican politics, as now managed by the Southern Pacific Company, will understand that Mr. De Young's denial don't amount to very much. It is not necessary now for a Republican to be a candidate for anything in order to get it from his party. (Applause.) In fact, a man would be foolish in that party to be a candidate for anything. What he wants to do, if he wants a place, is to go down to the yellow building on the corner of Montgomery and Market streets, make his arrangements, and go and perform his part of the bargain, and he will get the job when the party succeeds.

Did any of the fellows who were candidates before the Republican State Convention get nominations? No;-those who were not candidates got them. They had arranged elsewhere for their nominations.

Mr. De Young wants something. You ask me how I know? (A voice: "He has got his lightning rod working.") He has his mud volcano in action. How do I know? I know it, as the little girl knew, that somebody was dead. In a country town there was a poor undertaker. One day a little girl called to her mother and said: "Mamma, somebody is dead." The mother asked, "Who is dead, my child?" "I don't know, mamma." "Then, how do you know that somebody is dead?" "Why, the undertaker's children are eating candy." (Laughter and applause.)

It is not necessary for one to actually be a witness to contracts by which Mr. De Young's political or other ambitions are to be promoted, to know that he has some such movement on foot, some such enterprise launched, or some such ambition to be gratified. It is only necessary to see that he smiles and starts his mud volcano. He never does that for nothing.

Now, I dislike to be drawn into personal controversies in a campaign. I dislike to feel obliged to answer blackguard newspapers when they print falsehoods concerning me. (Applause.) I prefer to discuss the issues of the campaign, and to leave such creatures unnoticed. Mr. De Young, however, is perhaps entitled to some notice, and to the credit of one admission. He is a magnanimous man. He never attacks or villifies any man who is inferior to himself in point of moral character. (Loud applause aud laughter.)

Why he never does it is perhaps unimportant. Certain it is, that his practice has been not to do it; and for that reason, for very many years in this community, denunciation in the "San Francisco Chronicle" was considered a certificate that the character of the person denounced was better than that of the man who denounced him. For reasons which I need not discuss, the certificate did not amount to much. But there was some satisfaction in the knowledge that the attack was regarded as a certificate of character.

The "Chronicle" has been publishing falsehood after falsehood concerning me for weeks. It has had in its editorial column day after day a false statement concerning my name. That don't amount to much, but it is a falsehood. The thing that does amount to something is that the editor of the "Chronicle" who writes the editorials knows it to be

false; that the man who writes the matter in the news column knows it to be false; and that with that knowledge, they publish it day after day as truth. It is about as true as anything else that they say about me.

For what purpose I need only surmise, they call me from day to day "James *Gallagher* Maguire." (Laughter.) Now, Gallagher is a good name (applause), although they do not seem to so regard it, but it is not my name. They seem to think that it implies something that they would like to fasten upon me for some purpose of injury to me. What their motive is is quite immaterial. The fact is, that with knowledge that it is false, they do from day to day publish it as the truth. The editor has at his desk before him as he writes, and has had copies of the "Congressional Directory," extending back over the last six years, in which my name is given in full. He has had at least my registration—if he could not find the full name anywhere else—covering a period of over twenty years, in which he could find the full name at any time he desired. But he desires to publish falsehoods. (A voice: "Consequently he is a liar and a coward.") (Loud applause.)

Now he proceeds to give from day to day a list of things that he says I have done. He says that I was a member of the "sand-lot" party. (Laughter.) That don't amount to much. I have known, and I know to-day, many of the best men in this State who were leaders in that party movement—men whose careers are honorable above the conception or understanding of the men who print those statements. The fact is that I never was a member of the "sand-lot" party; and I state it rather to show the disposition of the "Chronicle" to falsehood than for any other reason. That, in what is known as the "sand-lot year" I was vice-chairman of the Democratic Municipal Convention, nominating a ticket that opposed the "sand-lot" ticket. In 1880, after Mr. Kearney had withdrawn from the so-called "sand-lot" party, it is true that some of my enthusiastic friends submitted my name as a candidate for judge to a convention that was called as, and was, perhaps, a remnant of the organization of that party. I was not nominated by that convention. When the "Chronicle" came to sustain its previous allegation, that was the only fact found in support of it, and it made a page and a half statement about it.

The "Chronicle" states that I was a Republican office-holder in 1876 and 1877. I would not consider it discreditable to have been such if it were true. It was not true. The circumstances upon which they base that statement is that in 1876 and 1877 I was a law student in the office of Cowdery & Preston; that Mr. Preston had charge of the street assessment litigation, then, under the law, required to be carried on in the name of the City and County of San Francisco. I received a salary of $75 per month there, as Mr. Preston's clerk. The work being under the supervision of the city and county attorney's office, Mr. Burnett, who was elected as a taxpayer, certified to the warrants for salary, and otherwise exercised a supervision over the work. During those years, or one of them, at least, I was secretary of the Young Men's Democratic Club, of San Francisco, and supported the Democratic ticket from Tilden down in that campaign. (Applause.)

That I did become dissatisfied with the course of the Democratic party in 1887, and that I did so declare in terms that are at least clear and plain, is quite true; and they may make the most of the fact.

I say these things because I think that falsehoods such as these ought to be at least denied.

. What the "Chronicle" is daily printing against me is either false absolutely, or is misrepresentation equal to falsehood.

It purports to publish extracts from statements made from time to time by me. You will notice when they try to be over truthful in those matters they put stars in to indicate that they have left out parts of the statements; and when they are not feeling so scrupulous, they leave the stars out and change the meaning and effect of the sentences.

Let any man living read the speeches, read the documents, read the letters to which they refer, and I am willing to stand by their meaning and effect. (Loud applause.)

I once heard of a man who charged that the Bible taught Atheism, and he copied an extract from the Bible to prove his assertion. He quoted from the Bible the words, "There is no God"—Bible, thus and so. Now that is in the Bible. It was a perfectly true extract; a perfectly true quotation. Yet, if you will go to the Bible and read the text, you will find that it says, "The fool in his heart hath said there is no God."

That is the sort of perversion and misrepresentation in which they are indulging. Now, I say to them, and to all of my other libelers in this campaign, that against their assaults I place my word. (Loud applause.) Against their assaults I place the record of my life in the public service. (Loud applause.) Against their assaults at this time I place their own reports, made from day to day as transactions occurred, when they were not hired to assail me.

(Loud and continued cheering.)

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15.

SPEECH

OF

HON. J. A. McDOUGALL,

OF CALIFORNIA,

ON THE

ARREST OF GEN. STONE,

AND THE

RIGHTS OF THE SOLDIER AND CITIZEN.

DELIVERED

IN THE SENATE OF THE UNITED STATES,

April 15, 16, & 22, 1862.

WASHINGTON:
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DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 15, 16, & 22, 1862.

The resolution relative to the arrest of Brigadier General CHARLES P. STONE being under consideration, Mr. MoDOUGALL addressed the Senate as follows:

MR. PRESIDENT: I introduced a resolution on Friday last for the purpose of having it printed, and gave notice then that I would call it up on Monday; but it not having been printed and laid on the tables of Senators at that time, I postponed it until this morning. I now ask to have that resolution taken up and acted upon.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be requested to inform the Senate at once on the following points, namely: 1. Whether or not Brigadier General Charles P. Stone has been arrested by any person in authority in the War Department or in the Army of the United States; and if he has been so arrested, from whom the order for General Stone's arrest originally proceeded—whether the Secretary himself or the general then commanding the army of the Potomac. 2. Also, whether at the time of such arrest General Stone was not subject to the articles of war and entitled to the benefit of them; and if he was so subject and entitled, whether or not he was arrested for a violation of any, and which, of those articles; and on whose complaint General Stone was arrested, and by whom, if by any persons, charges have been preferred against him; and that the Secretary of War be requested to communicate to the Senate the specifications under such charges as fully as his present information will enable him to state them. 3. Also, whether any, and if any, what steps have been taken towards the preparation of such charges and specifications; and if any such steps have been so taken, whether or not the prosecution of the matter has been intrusted to the judge advocate general of the Army, or of the army of the Potomac, or to some other, and what other, special judge advocate; and if not to either of said judges advocate general, why the case of General Stone did not take the customary course when a general officer is arrested; and whether or not either of the judges advocate above specially named has been, and when first, consulted in this matter. 4. Also, whether or not General Stone has at any time, and when, and how often, either in person or by counsel, applied for an immediate trial; and whether he has not represented to the Secretary of War the injustice which he supposed would result to him from deferring his trial, by reason of the death of important witnesses, in any matter connected with the administration of his late command upon the Potomac; and what answer, if any, has been made to such representation by or on behalf of General Stone. 5. Also, whether or not the substance of such charges, more or less, has been in any, and what, way, and upon whose application, communicated to General Stone; and if not, why not; and if not, whether or not General Stone has applied, directly or indirectly, for such charges. 6. Also, whether

any, and what, privileges have inured to General Stone under the articles of war Nos. 74, 79, 80, and 82, and Nos. 221 and 223 of the Revised Regulations of the Army; and what degree of confinement was originally ordered in reference to General Stone; and whether any, and what, change has been made, and when, from its original severity. 7. Also, if General Stone was not arrested for some alleged violation of the articles of war, upon what pretense is he kept in close custody.

Mr. FESSENDEN. I would suggest to the Senator from California whether, considering the nature of the case, it would not be proper to address the resolution to the President, in the usual form, that he be requested, if compatible with the public interest, to inform the Senate. It will amount to the same thing, for he is Commander-in-Chief of the Army, and inquiries as to Army matters should, I think, properly be addressed to him.

Mr. McDOUGALL. There are several reasons why I propose to address the resolution as it is here, and probably the Senator will be satisfied when I get through with my statement as to facts.

Mr. FESSENDEN. In that form I should not vote for it. It is a peremptory call, and it may not be advisable to communicate the information.

Mr. McDOUGALL. Mr. President, I regret exceedingly that it has become my duty to depart from the ordinary course of legislation, and my duty to present questions and considerations which may appear to be merely questions and considerations involving an individual or person. I may state my reason in this form: that is, that, according to my best judgment, it is not the question of an individual, nor the consideration which he, as a person, or as a citizen, or as a soldier, may demand, but that the questions and considerations of which I am about to speak and with which he is only remotely concerned, are questions and considerations which relate to the foundations as well as the superstructure of that edifice, the foundations of which were laid on the 4th of July, 1776, established, as we hoped, in 1787, an edifice which we have trusted would stand for ages.

Mr. President, I wish to say that I have persistently sought to confine my action here to the exact business of legislation, and to this I believe my record will give approving answer; but in this matter I recognize a special duty, a duty devolved on me; a duty, if you please, wherewith I am charged both as a citizen and a Senator. To undertake the discharge of this duty is the assumption of a painful office. To me it is always painful when by neglect or accident I trample upon the lowly. It is not with me a pleasant office to assault any one, be he high or low. There are special reasons why it is painful to me to assault a person high in place, for this reason, (and this reason only,) that he stands beneath the sheltering shadow of a great power, the President of the United States, the highest creation of our Constitution and of our people, in which all true patriots recognize the chief of the Republic. For the President, permit to say, that though I cannot say in oriental language "he has my most profound service," I can say he has my fullest confidence; a confidence which could not have been improved by any circumstance such as that of my having supported him at the last presidential election. I did not support him. I supported another true and great man from Illinois. Patriots each; patriots both. I will say, however, in better language than is consistent with any oriental usage, that our Chief Magistrate, by his own personal right, commanded and does command my fullust confidence as an upright, just, true-minded man, as alien to falsehood, wrong, and oppression as I would hope to be.

The duty, however, is before me, a duty which is my duty as a citizen of the Republic as well as my duty as a Senator. Permit me to say, also, it is my duty by a stronger force as a citizen of and a Senator from the State of California; and, notwithstanding that the office is a painful one, I will discharge it to the extent of my infirm ability with an equal regard to justice as if it were a pleasant duty.

It is now fifty days since Brigadier General Stone, commanding a division of the Federal Army on the Potomac, was seized at midnight, taken from his home, carried into one of the darkest fortresses that line our coast, cut off from all communication with family or friends, allowed for a long time no communication with any one, allowed at no time any communication with any person except to a limited extent with members of his family and his prison-house

keeper. I say it is more than fifty days since, by some *lettre de cachet*, by some writ issued from some denouncer as secret as those who denounced the Council of Ten in the city of Venice, the name of which denouncer is not known, the form of which writ is not public, either to General Stone or to any one outside of those who commanded it. From whom it comes no one knows; whether by authority of any law no one is informed. Whether it comes from the President of the United States, he has not been able to ascertain upon diligent application. Whether it comes from the Secretary of War, neither he nor his friends have been able to learn with certainty. Whether it comes from the senior general of the Army of the United States, no one has been able to discover with certainty.

This, Mr. President, is a strange thing in this strange period of history in what is called a free Republic, unless it has ceased to be strange by reason of some recent parallel examples. I do not know whether we are as well off here as they were in England in the middle ages when a king said to his justiciary: "This is the English not the Turkish court."

Mr. President, there are singular things about this matter, and some of them I will endeavor to state somewhat historically. It was on Saturday, February 8th, I think, that he was arrested, at midnight. On the Wednesday evening before that, I met General Stone, dressed as became a person in his office, at the house of the President, where no one went on that evening except by special invitation. He was there mingling with his friends, receiving as much attention and as much consideration from all about him as any man then present. All smiled upon him; that at lest appeared before his face. There may have been smiles in front and fierce frown behind. Only two evening after that, if I remember aright, he was the guest under similar circumstances of the commander-in-chief of our Army, I mean the senior general in command, and there again receiving the hospitalities of the men first in office and first in the consideration of the country. On, I think, the very day of his arrest, he was in the War Department, received by the head of the War Department as a man who had the entire confidence of the Government, and of himself as one of the Government's representatives. On that evening he was seized, taken from his home and family, as I said, at midnight, carried off to Fort La Fayette and imprisoned, as are imprisoned men who are convicted and adjudged guilty of the highest offence known to the law. He was not a simple citizen; he was a man to whom a great many men in this country looked for aid in the great struggle now going on in the nation; he was a man known to be disciplined in war; he was not one of those

> "That never set a squadron in the field,
> Nor the division of a battle knew
> More than a spinster."

He was, and had been for many years acknowledged as one of the most thorough and admirable soldiers that have served the Federal Republic. He was in service; and when I say he had the confidence of the men who served under him, and the confidence of the men who served with him, I *state what I do know*, for with me it has been a matter of particular inquiry. And I may say that the reason why I particularly espouse his cause now, so far as these inquiries are concerned, is, that I have known him long and well. He has been a citizen, or resident, if you please, of the State which I have the honor to represent; a man not merely respected, but loved among all those with whom he came in contact and who knew him on the Pacific coast.

The country has some interest in this matter outside of the system of *lettres de cachet*. General Stone was taken from a high command in the Army, to the leaders of which Army he was well known, for no cause stated. Officers of the Army who think they are fighting to maintain free principles ought to be informed whether, without offense alleged, without cause shown, when they apparently have the confidence of those in command, they are subject to seizure, to imprisonment, to be held for months in imprisonment, and not even then to be informed whether they are arraigned for treason, whether they are seized for disobedience of orders, whether it is for an irregularity, or whether it is for some conspiracy against the integrity of the Republic, involving life Now, here for almost seventy days it has been in the mouths of men that this

gentleman, whose fair fame has been above reproach, was a traitor to the country; but who says it? Who says it, Mr. President? Rumor says it—that great manufacturer of falsehoods, which, although a mere manufacturer of falsehoods, as a general thing, has the power to destroy the fairest fame and to steal from an honored brow laurels nobly won. Who has given occasion to this rumor? I ask it in my name as a citizen; I ask in my name as a Californian; I ask it as a Senator here; *who* has given currency to this rumor, or who has justified, or made that appear justifiable, whereby these results have been accomplished?

It is a most strange and extraordinary thing, and so strange and extraordinary that it has even challenged the press and the pulpit, inquiring into "how can these things be done?" It is not only men of my opinions who rise indignant at acts like this, not merely men who hold my political opinions; not men of my profession; although it is generally thought that lawyers are friends of constitutional liberty, and probably they are watchful as to how and when rights are impugned upon. But I find that on last Sunday a gentleman, whom I thought I never should have occasion to quote, thought proper in the duties of his office on that day, to say something on this very subject, and in perfect accordance with the sentiments I have and am about to express. It is rather strange that I should quote him; and I cannot quote him exactly, because it is not a full report; but on the last Sunday when, in accordance with the proclamation of the President, the people of the country assembled together to give thanks for our recent victories—

"Rev. Henry Ward Beecher preached an admirable sermon on the duty of Christian sympathy with all who needed spiritual or bodily comfort." * * * *
"In alluding to such as are confined in our military prisons, unconscious of what is charged against them, he deprecated in unmeasured terms the action of any Government, and particularly of this Government, which should take away, without trial and without verdict, the dearest rights and liberties of the people. He did not believe it was well, or in any way justifiable, to confine for weeks and months in the dark depths of a dungeon men who might, if opportunity was offered, prove themselves absolutely guiltless of the crime charged upon them. He considered such trifling with the rights of the people dangerous to our liberties and dangerous to our institutions; and when people were found willing to submit to it, it was more dangerous yet."

I said, Mr. President, I never expected to have had occasion to quote that reverend gentlemen, but I am ready to quote any man when his language is the language of truth and justice.

Mr. President, it may not otherwise than becomes this occasion that I should say something of who General Stone is, against whom these charges have been flung, and against whom this fierce assault has been made, who has been stabbed, not only in the dark, but in the back. General Stone is of a race of men both paternally and maternally, who have been leaders and soldiers, of what is considered by many, the best and most enlightened and worthiest people of this confederacy. His family name and his ancestry, constitute a part of the history of Massachusetts. His grandfather's grandfather, among the early pilgrims in Massachusetts, fought against the Indians to win the land which is now that strong and powerful State. His son, the present General's great grandfather, holding a commission under George II, fought against the French and the Indians. His grandfather on his father's side, held a commission as captain, and fought through the war of the revolution. One of his grandfather's sons, a boy of sixteen, also fought in the war of the Revolution, and afterwards served as a surgeon in the war of 1812, and that surgeon's son died in the military service of the United States at New Orleans. Another of that grandfather's sons served in the Federal Army against the first rebellion (Shay's) which ever opposed the power of this Union. On the maternal side, one of his family was a general under Washington and one of his favorite generals. The have a large record and a good one in Massachusetts. Some of them are now carrying arms for that State in the Army of the Republic. Fame has never whispered that there was or had been any traitor among them.

Something has been said about his wife's family, in the rumors that are passing. All of them that are acting at all, are serving in this war, and serving honorably with the Army or Navy. And the hearts of all of them are with the Government. And is treason to be pronounced of *such* a person? I

undertake to say, that according to all the laws of evidence, it is impossible that he should be otherwise than a patriot. He himself was sent from the State of Massachusetts to West Point; he graduated with high honor; he entered our Army; he went to the fields of Mexico; on those fields he won honor. He has the right to a commission, which has not been seized from him by the police, where it is written, "Brevetted for gallant conduct at Molino del Rey," and again another, "Promoted for gallant conduct at Chapultepec." He is not only a learned, but he has proved himself a gallant officer. He has the right to hold now eight commissions and a warrant, from eight different Presidents of the United States. With all his antecedents, and all his kindred patriotic, he a traitor!

The PRESIDENT *pro tempore*. The Chair is obliged, under the rule of the Senate, now to arrest the further consideration of this resolution, and to call up the special order of the day, on which the Senator from Kentucky has the floor. Will the Senator from Kentucky yield the floor to the Senator from California?

Mr. POWELL. I yield to allow the Senator to conclude his remarks.

The PRESIDENT, *pro tempore*. By the common consent of the Senate, that course will be taken, and the Senator from California will proceed.

Mr. McDOUGALL. Mr. President, I have said before that General Stone was long a resident in California. After the Mexican war he was ordered to that State. He there occupied a distinguished position, officially, in the consideration of the gentlemen of the Army, and in the consideration of citizens of that State. In 1855, we then having no armed enemies, he resigned from the service, to engage in business which belonged to the affairs of peace. He put himself into relations with our merchants, our men of trade, our mining interests in the mountains, with the men of labor, trade, and commerce throughout our State. As he had been honored and respected in his official position as a soldier, so he was a business man and as citizen. I learned there to know him well, and I speak only of what I do know when I say, that never since that State was founded, has there a man come into and gone out of it with higher consideration on the part of all those who knew him.

The breaking out of our present difficulties found him in the city of Washington. In what work was this "traitor" then engaged? He organized the first battalion in the city of Washington to take charge of and maintain the capital. He was made the officer in charge of the Federal capital, having been specially selected for that purpose by General Scott, who knew his high qualities as a soldier. Did he not discharge that dut faiythfully and well? Was he not the first who took possession of the opposite side of the Potomac, and gave a footing to our Army in Virginia? Did he not discharge that duty faithfully and wel? Was he not also assigned, when it was supposed for awhile our communication was cut off by way of Baltimore, to take charge of this end of the Annapolis road? Did he not discharge his duty there faithfully and well? No one then whispered a suspicion against him. When General McDowell was sent across the Potomac to occupy the shore of Virginia in force, General Stone was sent with four regiments to take possession of Alexandria, and with his four regiments he maintained that line from Alexandria to Ball's Cross Roads—a distance of some eight or ten miles—threatened all the time by the enemy. Did he not discharge that duty faithfully and well? It would seem that when the President with the advice and consent of the Senate made him a colonel of the regular line of the Army, and placed him at the head of the fourteenth regiment, they knew him, and they then thought he had discharged his duties faithfully and well. He was then withdrawn from that position to defend the city of Washington on the northwest, with a light movable column. Does any one question but what he discharged his duties there faithfully and well? He was made by the President, with the advice and consent of the Senate, a brigadier general of the United States Army, and then placed in command of a division in one of the most responsible positions within the power of the Government in those days of peril and of war.

He was in that position when the busy tongue of the defamer—thus it seems to me—went to work at his fair name, and Ball's Bluff was the pretext. I have said that somebody did blunder there. Whether it was General Stone

that blundered, we are not informed; who blundered we do not know; what the true facts are we have not been able to ascertain. I do not know—have not been able to learn—although I was, before that sad disaster, in which was lost one of my oldest and most honored friends—most honored by most when lost—a companion in his camp: knew well the soldiers, officers, and men by whom he was surrounded; I have sought to know; authority has sealed the fountains of full information, and I, who should know, am compelled to declare myself to-day ignorant. It is said now, by various and dark insinuations, that this sad result was the purposed conduct of General Stone. Who says it? Rumor says it. Ay; I fear that it is only old lying rumor that dares the responsibility of saying it. Permit me to say, General Stone heard that there were questions made about his conduct in connection with that great disaster, and that he three times asked a court of inquiry to determine whether or not, in any respect, he had failed in his office. From time to time he solicited an opportunity for a full investigation of his conduct in that relation. I say, and say that of which I am well assured—not that I know myself, but that I am well informed—that he made several applications for a court of inquiry, and was told by the authorities of the Government—not by committees of Congress—that there was no occasion for inquiry; that there was no fault found with his conduct. I also undertake to say, upon good authority, that almost presently before his arrest he said to the present Secretary of War: "Sir, I hear complaints made about my conduct as an officer at Ball's Bluff; I wish you to inquire into it, and have the matter determined;" and that he was assured by him that there were no charges against him; that this Secretary advised him in substance in these words: "there is no occasion for your inquiry; go back to your command." That was the day of the night on which he was arrested, as near as I now remember. His arrest startled the Army and startled the well-informed men of our country outside of the specially-informed persons who, assuming to be advised, directed this action.

Immediately after his arrest—for I am going to give the Senator from Maine the reasons why I choose this form of interrogation, and that I may be understood I beg the attention of the Senator from Maine—and now, first, for I have much to say, a gentleman well known in the city of Washington, a man of eminent ability, recognized by stranger and citizen as one of the men, one of the first of the men, who reflect honor upon surrounding society, their profession, and their country, and who did not think it dishonor to be the friend of General Stone, wrote a letter offering his kind services to the unaccused and imprisoned general. Unaccused! He sent it open to the Secretary of War, with the following note:

WASHINGTON, *February* 16, 1862.

SIR: General Stone I rank among my friends. I believe in his integrity and fidelity. So fully do I believe, that scarcely anything could shake the belief. He has served me as a friend, and I want to let him know how truly I sympathize with him.

I inclose an open letter for him, which I desire you to read, and unless there is something objectionable in it, which I cannot see, do me the favor to have it forwarded to him.

If I should go to New York next week, as I expect, can I have a pass to visit him?

Very faithfully and truly,

JOS. H. BRADLEY.

Hon. E. M. STANTON, *Secretary of War.*

I have been informed, and I think well informed, that there is not a more eminent man in his profession, a purer gentleman, or a truer patriot, within or without the Federal capital than Joseph H. Bradley. I do not personally know that gentleman, but all men praise him.

WAR DEPARTMENT, WASHINGTON CITY, D. C., *February* 20, 1862.

SIR: The Secretary of War directs me to acknowledge your letter of the 16th instant, with the inclosure for General Stone, and to say in reply that he deems your letter an improper one to be sent to General Stone, and will therefore withhold it. Further, that you request be permitted to visit General Stone cannot at present be complied with.

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

JOSEPH H. BRADLEY, Esq., *Washington, D. C.*

This letter was received February 24, 1862.

That the character of this exceptionable letter may be understood, I will read to you what it contained, from a copy in my hand. I will ask the Secretary to aid me.

The Secretary read as follows:

WASHINGTON, *February* 16, 1862.

MY DEAR GENERAL: My first impulse on hearing of your arrest was to write to you and ask if there is anything on earth I can do for you, and that still remains. Of course I do not give any heed to the idle rumors put afloat to your prejudice, nor would I listen to any one who should attempt to support the imputations against you except in a judicial proceeding, nor would I believe them then unless supported by irrefragable proof. I know there are men vile enough to fabricate proof to condemn you, and with skill and industry such as to make it difficult to expose the fabrication; and undoubtably there may be suggested motives strong enough to secure the active services of such men. But hitherto with some experience of such things, I have never known such a plot to be entirely successful, and have been fortunate enough to discover more than one. Of course I take for granted that when you receive, as you are entitled to receive, your trial, I expect the same result in your case. The question now is what can I do? Do you yet know precisely the accusations against you? Have you had a statement of the proofs on which they are made, and the evidence by which they are to be supported? Do you know the names of the persons who have made them, or are expected to prove them? Do you know the instruments of evidence which it is proposed to be used against you? Before this reaches you the period allowed by the articles of war for the preparation, of charges against you will have elapsed, and if they are not made, I hold it is your right and duty to demand them. Besides, there are too many persons feeling a deep and lively interest in your fate, you have since this rebellion broke out made too many friends, and the public interest is too deeply involved in the issues connected with your arrest and imprisonment.

The service itself is too deeply affected by this event for any usual delay in the preparation of the charges, and from being brought to trial. No man in the Army, and I say it advisedly, has done more to attract and fix the support of friends to the Government than you have within the last seven months; no man has more faithfully shown that the true object of the war is to support the Constitution and the laws as they are—that individual and civil rights may be respected, protected, and enforced in the midst of civil war—that republican institutions may be maintained only in the supremacy of the law, and that party strife and animosity, however they may rage in peace, must give way in war, and all must unite in the support of the Government, without which even party cannot exist. I have seen men who I know were carried away by their hostility to the Administration, yet devoted to a republican form of Government, so inflamed by local and sectional prejudice, as to be almost ready to take up arms to war against the administration of that Government for which they would cheerfully have laid down their lives. I have seen such men yielding up their opposition, and under the military rules administered by you within your military jurisdiction, giving a ready and cordial support to the Government, and through them I have heard of others affected in like manner with themselves. The testimony of such men, bearing witness to the noble patriotism by which they believe you to have been actuated is of priceless value, when you are assailed and vituperated as being false to yourself, false to your country, and false to your God.

Tell me what you have done since your arrest—what are you doing—who is your counsel, and especially if I can do anything to show how truly I am your friend and servant,

JOSEPH H. BRADLEY.

Brigadier General C. P. STONE.

Mr. McDOUGALL. Mr. President I might here remark what I should have stated before, that the arrest of General Stone was made by General Sykes, senior major of the fourteenth regiment, the regiment commanded by General Stone in the regular service. General Sykes said to him when making his arrest that he was required to perform the most painful office with which he had ever been charged. General Stone then inquired of him for what cause he was arrested. General Sykes, as I am informed, replied that he was entirely ignorant as to the reason for his orders or the causes of the arrest. General Stone received no information from General Sykes as to this extraordinary proceeding. From that hour until now, General Stone, his family, his friends, and his counsel have presistently asked the same question addressed by General Stone to General Sykes of all classes of men in authority, and the only result they have achieved is the same answer—"I am ignorant," or "I cannot speak."

Other and formal means have been applied seeking the same subject. On the 20th of February last Mr. Henry M. Parker, of Boston, a gentleman eminent as a lawyer, a gentleman, and a citizen, known well to the profession beyond the confines of Massachusetts, acting as counsel of the unaccused and imprisoned General Stone, addressed to the Secretary of War a communication, in its every word respectful, which I will request the Secretary to read to the Senate.

The Secretary read, as follows:

WASHINGTON, *February* 20, 1862.

SIR: I avail myself of your permission to lay before you, more formally than I have done,

some remarks on General C. P. Stone's case, which, notwithstanding what you have said to me, will, I am sure, receive your impartial consideration.

1. You said to me that there was nothing "extrordinary" in General Stone's case which entitled it, more than any other matter of business, to precedenee in your attention, or in drawing it to an immediate conclusion.

I respectfully submit that almost every feature of it is *extraordinary* That a man who has rendered such eminent and universally acknowledged service in saving this very capital, and who followed that service up, as he did, with other services scarcely less eminent, that this man, whose praise is in everybody's mouth, (saving a few mere partisans and newspaper spies,) should be so suddenly seized and incarcerated, is in itself extraordinary.

It is the more *extraordinary* when you remember that he had never received one word of censure, nor one look of disapprobation, from any military superior; that he had again and again asked a court of inquiry into the Ball's Bluff business, and had been put off with answers to the effect that none was needed, or that the public service would be injured by it, or the like. General Stone had again and again, within the week or ten days preceding his arrest, sought an interview with yourself, but was disappointed in meeting you, sometimes at appointed times, doubtless through reason of your other urgent business. And in the brief interviews he had with you, he received no intimation that you had not your old confidence in him. Nor, indeed, do I understand from you that this day that confidence is, in your own mind, shaken, but that something or somebody (what and who I am not allowed to know) has left you no choice as to taking decisive action in the matter.

It is military usage, I am told, that an officer of so high a rank as Brigadier General Stone should not be arrested without a preliminary examination, of the pendency of which he generally has notice. But if I have rightly understood you in our interviews of yesterday and of this day, now, when more than eight, yes, twelve, full days have elaped since the arrest, somebody is still engaged in the "examination" or "investigation" of the case, and neither Gen. Stone nor his family nor his counsel can be allowed to know either who his accusers or what the accusations against him are.

I do not complain of the mere fact of any examination or investigation made by your direction, and if the case were declared "extraordinary," there would be more reason to acquiesce in this state of things. But being confessed by the Government extraordinary, it would follow that it should have extraordinary attention,

2. If treason or treasonable dealings *are* the burdens of the suspicions against General Stone, now and here are the men and the place and the time for proving or refuting them. In the fortune of war it is not likely that so many of them can ever be found together again. If, by the fortune of war, some government witness should die, and in a subsequent trial the prosecution fail for *any* reason, do you not know that his enemies will attribute his acquittal, not to his innocence, but to that casualty?

When General Stone is proved innocent, there will be *but one worthy reparation* which the Government can make. That will be by giving him the opportunity once more to prove his innocence in his command on the battle-field and in the hot work of war. This delay seems likely to prevent *that*, sinking, as the rebellion is, every hour.

3. General Stone's incarceration at Fort Lafayette is, I submit, "extraordinary."

If you were convinced of this, I am sure you would ameliorate it, for you told me on Monday that it was as you supposed "a matter of course" that he should go thither. Everywhere the general public look upon the selection of that distaut fort as in itself intended as a mark of ignominy, and a Senator in Congress, I am told, boasts of it. I think if you could have the frank opinion of military men, they would, with one voice, I do not say condemn the *act*, (for that is illegal,) but declare it to be "*extraordinary*," and not in conformity to the standing interpretation of the articles of war, which prescribe the places within which "any officer arrested for a crime" shall be confined.

It is not denied that, in cases *avowed* to be "extraordinary," a prisoner, for security, may be elsewhere confined. Necessity justifies anything essential to the security of Government; but such a course should, I submit, he only taken by reason of that overruling necessity on the part of Government which annuls all other law. As you have not acted in fixing the place of his confinement in any such supposed necessity, not having intended to treat Gen. Stone in any respect out of course, I appeal to you with confidence for a change in this respect.

HENRY M. PARKER.

To Hon. E. M. STANTON, *Secretary of War*.

Mr. McDOUGALL. In that very connection, I will take occasion to read a despatch which, by the grace of Government, General Stone has been permitted to send to my colleague and myself. He is a caged lion now, and he moves uneasily behind his prison bars:

FORT HAMILTON, *April* 14, 1862.

I have applied for a suspension of arrest and permission to serve before Yorktown. Can you assist me?

CHARLES P. STONE.

He has asked to serve "in any capacity whatever," I learn He asks assistance, but echo will be the only response.

Mr. President, as General Stone, while a man of Massachusetts, had also made his home on the far shores of the Pacific, where he was esteemed and respected, it was not thought improper by his most intimate friends to appeal to the delegation from California to see if they could not learn something of the wherefore of this most extraordinary proceeding. Three times I went to the War Department, and I found the chief of that Department inaccessible to

me. Sir, strange times have come upon the land when the Secretaries of the President deny the right to Senators of official intercourse. Has this form of Government been changed, and have we, instead of a President, a Senate, and House of Representatives, a council of seven, not of ten, who wield absolute power and dominion, and who may seize upon liberty and destroy life (for if they may do one they may do the other) without law or question? Three times, I say, I sought an audience from this gentleman who is elevating himself above the President, above the Senate, above the House of Representatives, above all the men in the Government to an extent, I am told, that in the opinion of some wise men is at this moment very alarming; for I understand that this master of the War Department, who, as I said before, never set a squadron in the field, undertakes to master all the laws of strategy and all the appliances of force, and is to fight the war himself. If what rumor says is true, I am not hopeful of very prosperous results.

Having made personally these efforts to secure an audience and to inquire something about this matter, and at least to have the opportunity of a personal apology, or excuse, or an explanation why a trial could not be had, I took occasion myself to indite a paper, signed by my colleague in the Senate and one of my colleagues in the House of Representatives, and addressed to the Secretary of War; and here, by the way, I may say that the letter from Mr. Parker met with no response. This is the letter which we sent to the Secretary of War:

WASHINGTON, *March* 24, 1862.

SIR: The long arrest of General Stone without military inquiry or trial, which it was at one time understood would be promptly had, has led to complaints from many quarters. General Stone being recognized as a citizen of the State of California, many of these complaints have been addressed to us in the form of inquiries as well as requests. The inquiries we have, of course, been altogether unable to answer, further than that, we understood that by the articles of war, he was entitled to a trial by a day certain. That day having passed, we could only say *ignoramus*.

Under all the circumstances, and having known General Stone for years, and never having had cause to doubt his loyalty, we feel it our duty to inquire of the Government through you, for some explanation or a proceeding which seems to us most extrardinary. General Stone was and is a military officer of the United States, and as such we understand him to have been, and to be, subject to military law. We, at the same time, understand him to be entitled to all the rights conferred by the same law.

We do not intend to question the power of the Government in this proceeding, but we desire most respectfully to be informed why the rights securred, as we understand, by military law as to the time of trial are denied to General Stone. We present no complaint, but we would like the assurance that we have no cause of complaint.

J. A. McDOUGALL,
M. S. LATHAM,
A. A. SARGEANT.

Hon. E. M. STANTON, *Secretary of War.*

Here again there was no answer. That letter has been addressed to the Secretary of War and sent to him more than two weeks ago, and there has been no answer. General McClellan has been approached, and I am assured that on three several times General McClellan himself went to the Secretary of War and made personal application for a court-martial in the case of General Stone, and not only made it as his personal request in favor of the officer, but threw into that request all the weight of his personal and official influence, and to that there has been no response. So, as I understand, the burden of this wrong is not upon the senior general in command; and I know it is not on the great, (I use the word great in its proper and just sense,) true, and just man who rightfully stands as, and in many respects is, the head of this Government. My complaint of him is only this, that he permits such things to be done, though they are not done by any judgment or conduct of his.

These requests having been ignored, all inquiries at the Department having been ignored, I have thought that it was becoming me in my place in the Senate to inquire into these matters, and to say what I thought about this conduct of a man in high place, and what I thought of the law governing it, and how it affects our institutions when the law is thus mal-administered. What is this military law? A person undertakes to serve in arms the country, and he subjects himself to all the high penalties that belong to that service. He may be tried by a drum-head court-martial, perchance, and shot at the head of his command, or taken from the ranks and shot. There is withdrawn from him the

protection, so far as penalties are concerned, which is thrown about the humblest citizen of the land. But while the military law does necessarily exact this prompt submission to military penalty, there is some law to protect the soldier; and the articles of war in Europe and in this country were not made simply to punish, some were made to protect those men who go out to do battle for their country. General Macomb, in his work on courts-martial, referring to the articles of war, and stating some considerations connected with them, says:

"Thus the liberty of the citizen, under military law, so far as is consistent with the ends of justice, seems to be guarded with precautions little inferior in their power and efficacy to those which secure personal liberty under the civil laws of the State."

The seventy-ninth article of war, which is intended to provide a substantial protectiou to the officer in the service of the Government, declares that—

"No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or until such time as a court-martial can be assembled."

That is the general rule laid down. He can be continued in arrest over eight days, only iu the event that it is impossible to convene a court-martial. When has there been a time, uutil perhaps within the last week or fortnight, when in the city of Washington a court-martial could not be convened? What is the reason why a court-martial cannot be convened now at Yorktown, sitting at such times as its members were not otherwise employed? At every head of division a court-martial can be convened now. For eight days, we have fifty days, and not only have no court-martial and no effort to assemble one, but what is worse, *no charges are presented.* If a court-martial is a man's right in eight days, certainly it might be supposed that in eight days his accuser might have put upon paper what he had to say against him, and it might have been reduced into the form adopted in the service by the judge advocate general. But, sir, what is strange and most singular, there is not a person connected with the legal department of the Army—neither the judge advocate general, nor the judge advocate of the army of the Potomac—who, as far as friends and counsel can learn, has ever heard of any charges or had them placed in his hands or been in any manner consulted about the matter.

It may be said by gentlemen that perhaps this is not a military offense. What is it, then? A civil offense? Treason? If General Stone is a traitor we have courts in the District of Columbia, we have courts in New York, we have courts in Maryland, and we have courts in Virginia, I understand.

Mr. CARLILE. Yes, sir.

Mr. McDOUGALL. Process certainly could have been sued out against him; and if it was treason, the military arm of the Government had nothing to do with it except as a matter of necessity when treason was merged into active war. Here let me quote an apposite illustratiou of the general subject. When General Hull was placed upon his trial at Albany, in 1814, the judge advocate general was one Martin Van Buren, a man supposed to be able to maintain the rights of the Government and the law as against the accused; aud the question came up there as to whether a court-martial or a military court or the military authorities could inquire into treason, and they declared, positively, that they could not. I have the book in my hand; and that I may not be supposed to speak in any respect ignorantly, I will read the conclusion of the court. This is it:

"The accused having, in his final defense, protested against the jurisdiction of the court to try the charge of treason, and the opinion of the court being that the objection would have been tenable if the same had been pleaded by the accused on his arraignment, and believing, also, that the court cannot acquire jurisdiction of the offense by the waiver or consent of the accused, they decline making any formal decision on that charge."

There is another remarkable thing or two about this matter that may as well be thrown id here, as I have the book iu my haud. Here is the judgment of the court:

"The court, in consequence of their determination respecting the second and third charges and the specifications uuder those charges, exhibited against the said Brigadier General William Hull, and after due consideration, do sentence him to be shot to death, two-thirds of the court concurring in the sentence."

Now look at the order of the court, after judgment was pronounced:

ALBANY, *March* 28, 1814.

SIR: You will please return to your usual place of residence in Massachusetts, and there continue until you shall receive orders from the President of the United States.

Your humble servant,

H. DEARBORN,
Major General, President of the Court.

Brigadier General WILLIAM HULL.

It is beyond any of the usages of civilized war, that high officers who have been highly trusted, and have met dangers and won honors, should be treated on a general accusation or a mere suspicion, more harshly than one who has been tried, convicted, and sentenced to undergo the extreme penalty of the law. There is justly some consideration given to heroism and theretofore established honor. General Hull returned to his residence in Massachusetts, lived there with all the rights that pertain to a man, and all the privileges of his own domicile, until the President, Mr. Madison, approving the sentence, remitted the penalty.

Those things were done in the old days of the Republic, when faction had not obtained mastery in any one of the places of power. Yea until this time, until this present period when faction is raising herself hydra-headed in the very councils of the nation, and seizing upon and acquiring and exercising power unknown in any well governed State, such things as these have not been written down in history. It may be that the same power can raise itself far above the law, and for what I have said here to-day send a *lettre de cachet* into the Senate Chamber or to meet me at my home at midnight; but I would much rather spend my days in the darkest dungeon in and about Fort La Fayette than fail to say all these things as I have pronounced them.

There are some other provisions in the articles of war that are intended for the protection of soldiers and officers, so that they shall not be subject to absolute and unqualified power. By the seventy-fourth article "on the trials of cases not capital before courts-martial, the deposition of witnesses, not in the line or staff of the Army, may be taken before some justice of the peace, and read in evidence." Before a deposition can be taken, charges must, of course, be preferred. Whether this case is capital or not, we are not informed. If it is not capital, and General Stone's life is not involved, he has the right to take deposition Fifty or more days of war have passed, in which those men with and about him have been engaged, and many friends of his have fallen in battle, and perchance some of his enemies. How will we get their statement of and about the things whereof he may be accused? If this be a charge against General Stone as to the conduct at Ball's Bluff; if it be what the tongue of rumor says it is, then one of our most gallant men has gone to render his testimony in another world; he cannot testify before our tribunals; General Lander could have spoken with authority on many things that have been said about that action. Is this war to go on and be closed, and no intimation given to the accused as to the nature or foundations of the accusations against him, and no opportunity to inform the Government that "A, B, and C, knows of this thing; and before they are marched into Florida, or South Carolina, or to New Orleans, perchance to return no more, I want the record of their statement?" This simple right, which we give to every citizen, is denied to him. And if the offense charged be capital, perchance, under such circumstances, a just Government would, as they did in Hull's case, consent to waive its rights, and allow such depositions to be taken.

Again, the seventy-seventh article of war—and this is a law which applies to this placing of a military officer in a dungeon by military authority—provides that "whenever any officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters, or tent, and deprived of his sword by the commanding officer." This is law, and it is *war law.* To this *law* General Stone, by his oath, had subjected himself, as had every officer and soldier in his command; and while subject to this war law, himself and themselves, he and they might think themselves entitled to its privileges while subject to its penalties. Sir, the penalty for the violation of an arrest by an officer—which by the laws of war and the consideration of soldiers is a sufficient penalty—is stated in the same article: "And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer shall be

cashiered." To the soldier, honor must be far worthier than life; otherwise none would be found to dare the chances of battle. The man who takes the chance of his life in a dozen stricken fields does not fear death. He understands that "cowards die many deaths; the valient taste of death but once." To all men who do not fear death, honor is infinitely above that sacrifice.

I will read another of those little safeguards that have been thrown around the soldier by our own military law which, as I shall presently show, is not in its letter, though it is in its spirit, as specific or particular as the military law that obtains among Englishmen in war, either on the shore or afloat. The articles of war prescribe the manner in which military arrests are to be conducted; and if this was not a military arrest, it was without any sanction of law whatever, for General Stone was a soldier and not a civilian, subject to military law and entitled to be treated as a soldier. The eighty-second article provides that—

"Every officer or provost marshal to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, *make report in writing* to the commanding officer of their names, *their crimes*, and the names of the officers who commanded them, under the penalty of being punished for disobedience or neglect, at the discretion of a court-martial."

The spirit of this indicates that charges more or less formal should accompany all arrests, or speedily follow them. Upon an arrest, the person at whose instance the arrest is made must present the charges, and they must be sent in to the commanding officer in twenty-four hours, not that they need be put in the form that they would be put in by a judge advocate, but the foundation of the charge must be presented; for the soldier, like the citizen, is not to be subjected to imprisonment or to the suffering of penalties without understanding exactly wherefore it is done. Presidents do not make law; Secretaries of War do not make law; no official in place makes law; it is the business of the legislative department to make law. Mr. Stanton undertakes to make law! It may be a law for him, and it may be a law for you, but it is the tyrant's law—that law of power, which one man may possess and exercise without limitation and without authority. General Stone has not been arrested under military law, or at least military law has not been conformed to; he has been arrested under no civil process; and yet he is subject to military law, and subject also to civil process.

He has been arrested, not by military law, not by civil law, then by what law? By the tyrant's law. That law which might obtain at the Ottoman Porte, or at St. Petersburg. Tyrants—those who exercise, and have strength to exercise, power over the people without law, I had vainly dreamed were a shadowy myth of the past ages. In this age neither Turk nor Russian assume to exercise such power as this. It is reserved by those who sit in the places of power in the model Republic. Plato! Pardon me.

Now I will read a few Englinsh authorities for the purpose of showing how, in this country, which we call free, and where we congratulate ourselves pharisaically both morning and night upon the supreme enjoyment of liberty had by our people, liberty is not recognized, nor the rights of citizen or soldier respected in these days as they are in England, where it had been supposed that power is more absolute, and personal rights more circumscribed. Hough, in his "Precedents in Military Law," says that

"The late Duke of Wellington complained of officers being frequently in arrest for an unreasonable length of time."

Owing to what? The absolute denial of trial upon the part of Government? "Owing to delay in collecting witnesses;" not because charges had not been preferred, but charges having been preferred, officers were imprisoned for unreasonable lengths of time, when they were wanted at the head of their commands, "owing to the delay in collecting witnesses." Again, he says:

"It is an old and very good military maxim that an officer's commission is a good security against his breaking his arrest."

And this English rule was recognized in General Hull's case after he had been sentenced to be shot to death. Again:

"It is proper when an officer is placed in arrest to give him, in writing, the nature of the arrest, to state the liberty he will be allowed to have for the purpose of taking exercise; if he should be ill, the certificate of the surgeon will govern the case."

Here General Stone was imprisoned in a dungeon in Fort La Fayette, not only within thick, but within damp walls, corresponding somewhat, as I am informed, with those dungeons complained of in Sicily; and it was not until when, long after the certificates of physicians, there came appliances made by influential men to the powers that be, that he was exchanged over to Fort Hamilton, a place equally safe, only more healthy.

How do they treat a prisoner whose offence is capital on board a ship-of-war in the English seas, by English laws? I quote from Hickman on naval Courts-Martial:

"By the eighth article of the Admiralty Instructions, (chap. 1, p. 3.) commanding officers are authorized to place any person in arrest who shall disobey orders, or otherwise misbehave himself. This course is usually adopted preparatory to bringing an officer to trial. If the offence with which he is charged be of a capital or very flagrant nature, it is customary to confine him to his cabin or mess-place, with liberty to walk on deck for exercise at certain periods; but if, on the contrary, the charges are comparatively of trifling importance, it would not generally be considered necessary to place any restraint upon him other than by confining him in his ship. Commanding officers should be careful that the arrest is not of a more severe description than the circumstances of the case will justify, as for any undue severity they subject themselves to a court-martial for a breach of the thirtieth article of war."

Ay; but perhaps Mr. Stanton is not subject to the rules and articles of war: he has no lawful power to do this act; but he exercises the tyrant's power, restrained by no rule fixed in any statute-book. Again, the same authority quotes Lord Mansfield:

"If the heart is wrong, if cruelty, malice, and oppression appear to have occasioned or aggravated the imprisonment, or other injury complained of, they shall not cover themselves with the thin veil of legal forms, nor escape, under the cover of a justification the most technically regular, from that punishment which it is your province and your duty to inflict on so scandalous an abuse of public trust."

Lord Mansfield was pronouncing the law in a court of justice; and here let me say that whoever has committed this foul, unheard-of wrong, either death or the hand of justice (who, if he have leaden legs is said to have an iron hand,) may, and I trust will, reach him. Speaking in the same case of the officer having been kept in close quarters by his commander in India, Lord Mansfield said:

"But supposing it to have been the defendant's duty to call him to a military account for his misconduct what apology is there for denying him the use of the common air in a sultry climate, and shutting him up in a gloomy prison, when there was no possibility of bringing him to trial for several months, *there not being a sufficient number of officers to form a court-martial?* These circumstances, independent of the direct evidence of malice, as sworn to by one of the witnesses, are sufficient for you to presume a bad, malignant motive in the defendant, which would destroy his justification, had it even been within the powers delegated to the defendant by his commission."

Again, in the case of Swinton *vs.* Molloy, an action for false imprisonment on board a man-of-war:

"The defendant pleaded a justification for a supposed breach of duty: but it appearing in evidence that the defendant had imprisoned him for three days without inquiring into the matter, and had then released him on hearing his defense, Lord Mansfield said, that 'such conduct on the part of the defendant did not appear to have been a proper discharge of his duty, and therefore that his justification had failed him under the discipline of the navy.'"

What shall be said hereafter, for there is to be a hereafter, about all of these great outrages? Many men—men respected in our neighboring and northern States—have been seized and taken from their homes, no investigation made, no communication permitted with their friends, and then without investigation, without inquiry, without any public record of a justification, set loose by the Government. These are bad records. Mr. President, these bad, evil records have been made for some time past; and they who sow the dragon's teeth must expect to harvest bearded, belted, armed men.

England, I will say Great Britain, a great old people, however much we may be their adversary—that great old Government and people, acknowledge law and right. I say this because it is just, and because I would further say that upon questions of liberty and right we may yet learn some lessons from her. Great, brave-hearted Great Britain! She has had her evil days, her days of controversy; but from the time of the Heptarchy none who

have held power have used power as does the man of to-day. It is said that weak men dressed in "a little brief authority" do play "fantastic tricks." He who said it knew all of the ages past; perhaps he might have prophesied the "fantastic tricks" now played, not in the face of high Heaven, indeed, for the players have not yet seen the prospect of that place.

All this is said to be in the name of the law; all this is said to be "for the Union." This is as truthful as were those words of Othello's ancient, when he urging, but Othello resisting and questioning, said:

> "If thou dost slander her, and torture me,
> Never pray more."

The wily lying type of lies replied—invoking Heaven—

> "O monstrous world! Take note, take note, O world,
> To be direct and honest, is not safe."

Whereby he did for the moment convince and deceive his chief; but retribution soon came upon the heels of falsehood.

Mr. President, these things are *not* done in the interest of liberty and law.

This policy may seem wise on the part of the Government to some; but I might ask whether those to whom it seemeth wise are of the wise of counsel or of conduct. I do not doubt but that they regard themselves as both wise in counsel and fit to lead in action. It may be that they have thought justly. I think, however, that they will find the country differing with themselves. Permit me further to say that I have learned from all past wisdom, if I have been able to learn, that the wise are prudent, but that "fools will rush in where angels fear to tread." I characterize this conduct as pertaining to no one beyond and outside of him whom I now undertake to speak—the man who now exercises the war power of this Government as the Secretary of the President.

Sir, I have undertaken to define General Stone; to state who he is; to state his ancestry—men who during three centuries have made blood-offerings for freedom, offered mostly among the rocks and pines and on the banks of the streams of the State of Massachusetts. I have spoken of him as one who has shed luster on our fame in arms. I have spoken of him as one known and approved as gentleman, as citizen, and as soldier, without fear, and above reproach. I have stated the facts of this most unprecedented, unlawful, and, (if I might say it in these times, of any calamity affecting one man only,) this terrible outrage upon every form and name of right. I have endeavored to state the case for General Stone, for his people, for his friends; but higher and above all, I have undertaken to state his case in my own name and person as a citizen, and in my own place and office as a Senator. It is in this last position as citizen of the Republic and Senator in this Hall, that I demand that this great wrong shall be righted.

I have been denied entrance to the place where sits he who is chief in authority. I have sought the facilities afforded by the Government through postal communications—and there has been only silence. I now come into a place where, by the authority of my State, I have rights, rights as to the administering of the affairs of this Government, and the right to inquire into all violations of law on the part of any person who acts or who represents himself to act for and on behalf of the Government. Here in my place of office I say that a citizen and a soldier has been wronged and outraged by a Government official; and as he will not render his account to me, I demand that he shall be required to deliver it to the Senate. That I have the right to make this demand, and that it is the duty of the Senate to assert this right I have no doubt.

Is it said that I have no right? Have I not this right as a Senator? I do know that I have it as a citizen, and I have not yet learned that I am less than a citizen for that I am a Senator. The right may be denied to me as a citizen. It has been denied to me both as citizen and Senator.

Mr. President, permit me to say that when neither citizen, Senator, nor the Senate can interrogate, and be replied to as to the exercise of these innominable powers, then it were well that we should conclude like the desperate king: "there is no going hence nor tarrying here." If this be so, then it were well that what we call granite foundations should crumble; that the great stones which we have dreamed would stand in place forever should be splintered into

fragments; that the edifice of our hopes should be crushed into ruins, so that upon and out of the ruins, if not out of the ashes, we—no not we, but other and wiser men who shall have learned wisdom from our folly—may rear a new and more perfect structure, which shall stand the assaults of all the banded anarchs who muster their legions from southern, northern, eastern or western shores.

SECOND DAY.

Mr. HOWE. I move to proceed to the consideration of the House amendment to the joint resolution (S. No. 26) explanatory of a certain act therein mentioned.

Mr. McDOUGALL. Mr. President—

The PRESIDENT *pro tempore*. The hour for the consideration of the special order has arrived, and it is incumbent on the Chair to place it before the Senate for consideration, being the resolution of the Senator from California, calling for information in relation to the arrest of General Charles P. Stone. The pending question is, on the amendment proposed by the Sentor from MassachusStts,

[Mr. WILSON] to strike out all after the word "resolved," and to nsert:

That the President of United States be requested to communicate to the Senate any information touching the arrest and imprisonment of Brigadier General Stone, not deemed incompatible with the public interest.

Mr. McDOUGALL. Mr. President, had I yesterday been in the enjoyment of sufficient strength and health, I should have been pleased to take a prompt opportunity to respond to the gentleman from Ohio, [Mr. WADE.] I did beg of him the courtesy, asserting my want of heath and strength, to assent to a postponement of the debate until to-day; but it was denied by him. The privilege was afterwards accorded to me at the hands of the Senate, for which I thank Senators.

I would not occupy the time of the Senate, and obstruct the general disposition of legislative business, upon a question that I regarded as merely personal, and affecting the *status* or condition of an individual. In discoursing upon this subject, I think I am discussing principles that lie at the foundation of the Republic. That is my apology, if apology be needed for a Senator in speaking of such a topic.

The Senator from Massachusetts has offered an amendmet to the original resolution. I will not say that the resolution, as I presented it, is in the most perfect form. Perhaps it may contain too many particular interrogations; but the substance, purport, and object of it are justifiable, and will stand justified forever. The Senator from Massachusetts asks that we shall inquire of the President; and what will the President do? He will send and inquire, in the regular course of business, of the Secretary of War. Is it customary for us to inquire of the Chief Magistrate as to business which belongs to a particular Department? It is not customary, and the President is charged with a burden he cannot answer; he has not the papers; he has not charge of the facts. It is the business of the Secretary, so acknowledged and received.

I had occasion to speak yesterday of old England, or, I should rather say Great Britain, for I prefer to unite the English and the Scotch clans. Suppose we were in the Parliament of Great Britain, and a question of this kind was raised by any member of the House of Commons, and the interrogatory was put to Government—there, under their system the Government is represented on the floor—would there be any one so bold, any officer of the English Government from the chancellor to the lowest representative in the Commons, any person who spoke by authority, who would dare to deny or to refuse to answer the interrogatories that have been asked here for not fifty—I was wrong in that—but eighty days? I have sought through all the channels of information to have these inquiries answered, and I ask it now. But is there anybody here who represents the Government in this matter? No. They do not come here to speak boldly and with free tongue of and about what the Government do. It is sometimes said—but rarely, and then only for grave cause—when a member of the House of Commons or a lord. asks a question, "this cannot be answered, because it is inconsistent with the interests of the public service;" but it never has been done in history for any cause that can be assigned here. This

is a question simply of the imprisonment of a citizen and a soldier, subject either to civil or to military law. The inquiry is by whom, and wherefore has he been seized and incarcerated—simple questions both; easily answered both; their answers can do no wrong, except in the wrong that has been done and the acknowledgment; and here let me say, that he who does the penitent office of confession comes nearer heaven, than he who, burdened with the wrong, yet bears it on his shoulders; and bearing it, must go downward—yea, and according to all the law we have learned, will continue downward, until he goes into the jaws of hell. It has been said by one of the great men of our country, by no less a man than Mr. Webster, the greatest man of our time, that as the proof of crimes gather about a guilty actor "there is no escape from confession but in suicide, and suicide is confession;" and it may be that the admission of this thing would be equivalent to suicide. Mr. President, I say that all this concealment, all this darkness, is the result of fear, coward fear.

But, sir, there has been some result from this discussion. For eighty days we have been groping about in darkness; only rumor said who was the maligner or who was the accuser, if the accusation be just; but now I do learn that there have been accusers. I did not know it when I rose in my place yesterday. I said that I had heard rumors, intimations that committees of this Senate had made inquiries and examined witnesses, but I could not learn the fact, and I understood that the fact was ignored, and for sometime in the argument of the gentleman from Ohio, (Mr. WADE,) it was ignored; but at last the fact came out—one of the facts which I sought to develop, which General Stone has sought to develop, and which his friends have sought to develop—the fact that this had been a matter of inquisition; that the committee on the conduct of the war had inquired into these things, that they had taken testimony and reported it to the Executive, and that they thought it was probable cause. Ah, have we fallen so low, have we become so less than a Senate or a council of a great people, that it has become necessary that Senators, men of counsel, men to frame and establish laws, men who are to take the lights of all past history and examine all that can be taught or learned from the records of many ages and many prosperous and now fallen States, that they may be able to maintain and develop a great nation, should convert themselves into organized systems of police service, with committees traversing the land and bringing in *ex parte* witnesses, and ascertaining from persons favorable to the conclusion they sought that there was probable cause of crime? Had not these persons better engage either in the business of detecting thieves and robbers in some other sphere, or in playing the magistrate's part of inquiring and committing until the next term?

If there has been a degrading feature of our proceedings here, not merely now, but for some years past, it is this sending of Senators and Representatives, who have to do with legislation, about the country inquiring into what should be done by poilce magistrates and officials and their subordinates. Let me make a single remark of my own knowledge with regard to this kind of investigation here. I come from the coast of the Pacific. A large number of gentlemen from the Pacific have been connected with war business, at St. Louis under General Fremont. General Fremont is no favorite of mine, nor are his surroundings; but I was approached, not by Senators, (for I do not propose to be challenged,) but by men who were seeking information, as to whether I knew A, B, and C? Said I, "Very well! I have known them for many years." I knew all about them; knew where they come from before they reached my coast. I inquired, "Is there anything that you want to learn?" "Well; the character of those gentlemen is being examined before an investigating committee, and we should like to know what you think of them; we suppose you do not like them." Because I was a Democrat and they were Republicans, it was supposed that I would be disposed to "jump down" upon them. Probably something in my countenance or in my voice, intimated a different inclination or impression, from which the conclusion followed that I would not be of any use, for I was sought after as an adversary. I do not say that Senators go out to hunt up witnesses with a view to particular results; but outsiders do. That is the way your investigations are carried on, with none of the guards that belong to the lowest magistrate's court, none of the protection, and, I may say, none of the justice administered in England and in our land in former days.

The gentleman from Ohio intended to be special in his reply to me. I have sought his good will; I have always expressed myself to him with great kindness; I have had for him, I may say, quite high consideration; but let me tell him that the motto of his family in old times was a good, a brave old motto, just as they called him "brave Ben Wade"—"we wade in;" and the only question about the sufficiency of that motto was that they could not swim when they got in deep water. I am afraid that may be so, even with the Senator from Ohio. Now, I am not going to reply so much to the gentleman from Ohio as to *state myself* for he has undertaken to rank me with traitors and those who sympathize with treason. All such shots are hardly sufficient to invite resistance; they fall as harmless upon me as would leaden rifle balls on the sides of the Monitor; but that I may be understood, because I speak for the truth, I will state my position on this question of being a sympathizer with treason?

I was not the advocate of the present Chief Magistrate, whom I in all respects honor; but occupying a different position, I took occasion to say some things in the opening presidential canvass which I will repeat now that they may be heard here, and I will inquire whether the gentlemen can trace a patriotic record up any better than I. He may trace him a better partisan one. I had occasion at the first meeting convened in San Francisco in the presidential campaign to address my fellow-citizens, and give them what opinions I entertained with the force with which I was able to express them, and I said then, on the 18th of July, 1860, nearly two years ago:

"We have all heard of the abolition, disunion speech Wendell Phillips was permitted to make in Brooklyn, after vainly attempting to find some place in the metropolitan city of New York, in which to preach treason. We have all heard by telegraph of the brilliant and eloquent speech made by William L. Yancey, before the seceding convention at Baltimore. While the disunionists of the North could not obtain a hearing in a great northern city, we find the disunionists of the South applauded to the echo in the city of Baltimore, and in what men dare to call a Democratic convention. Of that seceding convention William L. Yancey was the great captain and leader."

I then read to the people Yancey's letter to Mr. Slaughter, dated Montgomery, June 15, 1858, and further said:

"I pronounce the author of that letter a traitor, a deep-dyed, black-hearted traitor; not bold and open in the treason, like Wendell Phillips or John Brown, but a traitor of the Italian, of Machiavellian school contriving covertly, by disguise and stratagem, to work the dismemberment of the Republic."

With these remarks I aided in opening the last Presidential contest. Shortly after the proclamation of the President reached the Pacific coast, I had occasion to address my fellow-citizens, and I choose now here in the Senate and before the country to put what I said, so that even ignorance shall not be misinformed:

"The supposed want of power in our system has been the hope of traitors; and their opinions seemed justified by the treachery of the late Chief Magistrate, James Buchanan. May his name be forever execrated! Our system was framed expressly to guard against the consequences of such evils. A tratior cannot succeed a traitor. Presidential traitors have no power of generation

"The present President of the United States is no traitor. I know him well. He is not, he never was, of my political faith; but I know him to be an upright, true man, a lover of his country, a sincere patriot, with too much manly firmness to shrink from any duty imposed upon him by the Constitution and the laws. Since the commencement of his administration he has not had either the time or opportunity, by his own direct act, to test the sufficiency of the Government for this crisis. But what the President, as the head of the Government, has not been able to do, the people, who are the Government, have done. Money in argosies has been placed at his disposal, uncalled for legions of armed men have been placed subject to his command. He has in his hands to-day the power to crush out, if he has not al eady crushed out, rebellion.

"What though Abraham Lincoln was the candidate of the Republican party; he is the the constitutional President of the United States of North America. He is the head of my Government. He is my President, and I am a loyal citizen. I believe he will do his duty to you and me, to the American people, to himself, and to his high office; and I say it is the duty of all true patriots to sustain him, and through him the Constitution and the Union, in the day of fiercest trial."

The record I then made I have maintained in all places—on the shores of the Pacific and in this Hall, at the feast and at the council table. Traitor! Who is traitor? He who assaults his Government, to which he has sworn allegiance by many repeated oaths? All will respond, yes. What is a government, a free government? It is a compact, an agreement among a body of men that they shall be ruled in a certain manner, and they surrender certain powers and

invest certain authorities for their common good. In free institutions the government is in the compact, and the men who fill office are only the physical representatives of the great idea which is the fact; its strength, its power, rests in the hearts and minds of men. If I am understood, government is not the man President, but the law for the President, permitting him to represent a certain power by and according to law. It is not the men Senators, it is the provision by law that there shall be Senators, permitting them to act subject to law. It is not the men judges, but the compact that consents to judges and determines and agrees that as these judges shall act by that compact, they may act This is government, the compact, the understanding between men, free men, voluntarily agreeing to subject themselves to power, limited, constitutional power. Now, who can be denominated a traitor? I answer, he who assaults that Government, and that Government is the Constitution. The Senator from Ohio, I have no doubt, having well considered what he was about to say, for he was eager for the fight, did say as he is reported—I did not hear him, I speak from the official report—thus:

"Sir, the man who invokes the Constitution in forbearance of the law to punish traitors is himself a sympathizer."

Is that ignoring the Constitution to any extent, and if so, to what extent? I have learned, in some years of mingling among men, and in the maintenance of individual rights in my office as counsel, that the duty of all governments is to provide that every right a man has shall be maintained, no matter who he may be. Though he be the vilest sinner in the land, the Constitution is his shield—the law is his shield, as well as the Government. Now, observe the language of the Senator from Ohio; he is replying to me; I am the subject of his discourse:

"There never was a man yet who stood up in this Senate, from the time when Mr. Breckinridge preached daily in favor of constitutional guarantees until now, and set up constitutional barriers against punishment for treason, but what is in his innermost heart of hearts a traitor."

By which he means your humble servant. I thank him for the compliment. I hope you will cut my head off or shoot me; do not hang me. That is all the prayer I have to ask.

"Our administration is assailed because not having the technical evidence;" (says the Senator) as if, at least, technical evidence might be demanded. Why, sir, technical evidence is not generally sufficient—never, before good judges. Technical evidence only enables a partisan to work his purpose; but now they arrest a gentleman, incarcerate him for eighty days, and seem likely to continue it indefinitely, if this Senate do not interfere, and their apology is, from the mouth of the chairman of the committee on the conduct of the war, that they must arrest him, because they cannot get technical evidence——

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, it is incumbent on the Chair to call up for consideration the special order, which is the bill (S. No. 151) to confiscate the property and free the slaves of rebels, upon which the Senator from Kentucky is entitled to the floor.

THIRD DAY.

The PRESIDENT *pro tempore*. The Chair calls up the special order, the resolution of the Senator from California, (Mr. McDOUGALL,) calling for information from the War Department relative to the arrest of Brigadier General Charles P. Stone.

Mr. LATHAM. Before my colleague proceeds, I wish to say that when the Senate adjourned on Friday last they were about to divide on the bill then pending, which will be the unfinished business at one o'clock to-day. I do not wish to interfere with him at that time, and prefer, of course, that he should continue his remarks; but with his consent, I move now that the roll be called, and the consideration of that bill proceeded with.

The PRESIDENT *pro tempore*. Does the Senator's colleague yield the floor for that purpose?

Mr. McDOUGALL. If the vote is to be taken now.

Mr. FESSENDEN. The Senator proposes to suspend the special order merely for the purpose of calling the roll on the bill referred to. It was not under-

stood that the roll was to be called, or that the debate was finished, but we were willing to let the amendment go through, and let the bill stand in the shape in which the Senator wanted it to be.

Mr. LATHAM. If there is to be discussion, of course I do not desire to interfere with my colleague.

Mr. FESSENDEN. The Senator from Vermont (Mr. COLLAMER) says there will be further discussion.

The PRESIDENT *pro tempore*. The prior business will be proceeded with, and that is the resolution of the Senator from California (Mr. McDOUGALL) respecting the arrest of General Stone.

Mr. McDOUGALL. Mr. President, when my remarks was suspended by the expiration of the morning hour, I was discussing the position assumed by the Senator from Ohio, (Mr. WADE,) that it was the duty of the Government to act upon mere suspicion, without requiring even technical evidence against the accused. I expressed my astonishment at the assertion of any such right or power. In reflecting upon this position, and the other views advanced by the Senator, I must confess that I see what appears to me graver cause of comment than first met my apprehension. I seem to see something of the spirit of Dominic De Guzman, the abbott of Citeaux, and of the relentless Torquemada; something of that spirit of the inquisition which in the name of "the holy office" arrogantly and profanely dared to say, "Spare none, God will be able to distinguish his own among the slain." It may be well to trace a brief parallel between the spirit, character, and conduct of the inquisitions of the fourteenth and fifteenth centuries, and the inquisitions which has suddenly sprung up in our midst, and appears to frown upon us from every side with hostile and threatening eyes. The features of the inquisition conducted in the name of "holy office" were, secrecy; second, a most intolerent spirit; third, absolute despotic tyranical power, subject to no law; fourth, disregard of every just or known rule of inquiry, any known law of evidence.

These were the great marked characteristics which define the inquisitions of an age the records of which were a terror to our youth, and should be a lesson for our manhood; a lesson for our firesides, a lesson in all places where people congregate, and a lesson in this Senate.

Mr. President, I propose, for the wisdom of this discussion, to institute a brief parallel. The Senator from Ohio, I trust, will excuse me if I employ his language and expressed opinions for the parallel on one side, while I trust to the recollections of past history on the other. The parallel, or the comparison, if you please, will be between the inquisition of the fifteenth century in the States subject to Rome, and the inquisitions now recognized and obtaining in this, the nineteenth century, in the Republic of the United States of North America.

I will first speak of the first marked feature of the ancient inquisition—secrecy. That this was one of the great features of the Roman inquisition is known to all. I will simply inquire, what says the Senator from Ohio?

Mr. WADE. Does——

The PRESIDENT *pro tempore*. The Chair will put the question, does the Senator from California yield the floor to the Senator from Ohio?

Mr. McDOUGALL. I think the gentleman had better let me conclude my remarks, and then he can be heard.

Mr. WADE. Very well; go ahead, then.

The PRESIDENT *pro tempore*. The Chair does not understand the Senator from Ohio to rise to a question of order. If so, it is his right.

Mr. WADE. No, sir. I rose to put the gentleman right, as I supposed he did not intend to misrepresent; but as he chooses to go along with his speech, be it so.

The PRESIDENT *pro tempore*. The Senator from California will proceed.

Mr. McDOUGALL. I will state to the gentleman from Ohio that so far as I shall undertake to maintain this proposition, I will do it from his own words, as he is reported in the official paper.

Mr. WADE. When you say that I commended secresy, you are stating what I have not said or thought of.

Mr. McDOUGALL. I will only read what has been said. I will put the Senator's language alongside of mine, and then no wrong can be done to him, either here or before the country. He said:

"Sir, we have not published what we have ascertained to any mortal man except it was to him who was armed with the power of administering the remedy. No idle curiosity has prompted any member of that committee to proclaim to the world as idle gossip the testimony that was before it. I challenge the Senate, and every man of it, to tell me which member of the committee or where have we made known to the public what was going on before us. I admit that as we ascertained facts, the existence of malpractices, short-comings, and things inconsistent with the proper and beneficial conduct of the war, we have sought interviews with the President of the United States, we have sought them with the Secretary of War, and, on some occasions, with the whole Cabinet, and there in secret have disclosed the testimony that has come to us, and we have endeavored to work out a redress; and in innumerable instances I know we have done it—where, had it not been for that so-much maligned committee, the Administration would have been entirely ignorant of what was going on."

I understand, from the published language of the Senator, that it is claimed as a virtue on behalf of this committee, that they have instituted proceedings which have been altogether secret; that matters have been inquired into, and conclusions arrived at affecting the honor of gentlemen, and perchance their lives, and that these things have been done in secret. I understand that such things have been done.

Mr. WADE. That was understood wrong, for it is exactly contrary to the fact. That is all I have to say about it.

Mr. McDOUGALL. Does the Senator from Ohio mean to say that General Stone was advised of any investigation, or what was charged against him?

Mr. WADE. I do, sir.

Mr. McDOUGALL. Was the testimony reported to him?

Mr. WADE. Every word of it.

Mr. McDOUGALL. General Stone—has he been advised?

Mr. WADE. General Stone has been.

The PRESIDENT *pro tempore*. The Chair is obliged to interrupt this interlocutory conversation as out of order.

Mr. McDOUGALL. It would appear, then, that the Senator is either now incorrect, or was incorrect in what he affirmed in his speech made on a former day. I refer to his speech as reported, and as he is reported to have spoken for himself and his committee. In that speech, as reported, he certainly did say that the proceedings of his committee were altogether secret; that they communicated with no one except those who could place their judgment in execution. (Not these words, sir, but these words in substance.) This is the first time that I have heard of General Stone receiving information of anything charged against him. General Stone is a prisoner in the North; I could not, if I would, inquire of him, I have had no correspondence with him by word or paper—I could not have had, except under the inspection of the War Department. For myself, I have not sought it for this reason, let me say, for the strong reason that I have absolute confidence in his right, and equal confidence in his adversaries' wrong.

The friends of General Stone, his counsel, do not understand that he is advised of the accusations against him. I do not believe that he is so advised. If, however, there is reason on the part of the Senator from Ohio to affirm that this is so, then permit, if you please, this further remark, that, from information I have received as to the manner of business of this committee, as well as of some other committees, gentlemen are at times called before them, as was General Stone. The person called before a committee, in his pride, or, if you please, vanity, supposes his opinions are regarded as valuable in that committee, and expects to speak of something involving the capture of Yorktown or Corinth. He appears before the committee; he suddenly finds that another class of questions demand his answers. He finds himself questioned as to his loyalty. He finds himself interrogated about a thousand matters personal to himself; he begins to think that some one has accused him: he inquires, "Are there any charges against me?" He receives the prompt answer, "No." He having answered everything asked, as it seemed to him, to the satisfaction of the committee, goes on his may rejoicing. Suddenly, perhaps at midnight, or at any other hour of the night or day, he receives an order of arrest, ignorant for why or what I do not mean to state this as the case of General Stone; but it will answer for the statement, and the truthful statement, of more than one case. But the case of General Stone may be permitted to illustrate the point of secresy. He was arrested about midnight, without notice, and at a time when, as I believe, he had just been rendering his country important service.

The next feature of the inquisition is "a most intolerant spirit." To prove this I will read, for I do not care about elaborating or discussing in detail the merits of the various remarks of the Senator from Ohio:

"He may require all the presumptions of innocence that are so often resorted to to shield a culprit from the punishment of his crime. It is done here. But, sir, the man whose life is assailed does not summon a jury, and the nation whose life is assailed by traitors need not summon a jury. All you want is the power, honestly exercised, to put it down."

So I understand it to be proclaimed here to the country that because this is a time of war, any man, a man at the head of our Army whose life has been loyal, a man from any one of our cities, from any one of our towns, from any one of our farm houses, may be seized upon suspicion in the absence of legal testimony, may be tried without a jury, may be condemned without a judicial judgment. This innominable power exists *somewhere*. It must exist, for we witness its power, not by virtue of the Constitution, not by virtue of any law; but there is a silent, terrible power which we have seen exercised, not limited by any known law, and not qualified by any term. A power which ignores the Constitution and all law. A system which is no system, which is anarchy, which knows neither the Constitution, the laws, the judges, the juries, the judgments, nor the verdicts which should determine, as we have learned the rights, liberties, and lives of our fellow-citizens.

All these rights I understand the gentleman to ignore. The gentleman does not require a Constitution, laws, courts, judges, judgments. He would prefer to fall back into a state of nature, and trust to see what so brave and strong a man as the brave BEN WADE could do in the contest involving the general average of mankind. The Senator said again:

"Sir, I am tired of hearing these arguments in favor of traitors. *The Constitution takes their lives, their property, their all.* Why shall we stop *short?* Are they not in quest of ours? If there is any stain on the present Administration, it is that they have been weak enough to deal too leniently with these traitors. I know it sprung from goodness of heart; it sprung from the best of motives; but, sir, as a method of putting down this rebellion, mercy to traitors is cruelty to loyal men."

And again:

"It is a remarkable fact, and I fear not entirely to our credit either, that while we have been involved in this great rebellion, while this generation is taxed, and future generations will be taxed to the utmost of their capacity to defend themselves, while this ungodly war was waged against the best Government on God's earth, and it has cost the most prescious blood of this nation to repel the insurrection, after one whole year has passed by, there has not yet been made a single example of treason, not one; no attempt to take the life, nay, even the property, of the bellish traitor that has caused the sacrifice of our dearest and most precious blood."

Is not this an appeal for blood? Is not this an attempt to rouse up the worst passions of the human heart? Is not this an exhibition of a most intolerant and anti-Christian spirit? Is it not an exhibition, not of anger, but of hate? Anger is known in Heaven; the feeling of hate is supposed to be the peculiar property of hell. Why should he hate the people of the South? We are angry with them; we may be so. Anger comes on during the controversy of the day; anger ceases at night; it should with all mortal men. There is and may be an ultimate vengeance which belongs to God alone. He did not transfer to us the power of exercising it. I cannot, in this connection, forbear to read an extract from Russell's Diary in India, which may teach a lesson of humanity to some of our people who urge this anti-Christian spirit:

"Many years must elapse ere the evil passions excited by these disturbances expire; perhaps confidence will never be restored; and if so, our reign in India will be maintained at the cost of suffering which it is fearful to contemplate. It is fortunate for England that her rulers in India and her generals in the field have been animated, on one point, at all events, by a unanimous spirit, and that, in the Cabinet and in the operations carried on by our generals for the pacification of the disturbed districts, they have acted generally, as became enlightened statesmen and Christian men, in opposition to the ferocious howl which has been raised by men who have lived so long among Asiatics as to have imbibed their worst feelings, and to have forgotten the sentiments of civilization and religion. As cruel as Covery anters without their faith, as relentless as inquisitors without their fanaticism, these sanguinary creatures from the safe seclusion of their desks utter stridulous cries as they plunge their pens into the seething ink, and shout out 'Blood! more blood!' with the unfailing energy and thirst of Marat or St Just. 'We want vengeance!' they cry; 'We must have it full; we care not if it be indiscriminate. We are not Christians now, because we are dealing with those who are not of our faith: rather are we of the faith and followers of him who preached "the study of revenge, immortal hate!"' May their school perish forever, and that right soon, or India is lost—lost with the approbation of the world—to the crown of Great Britain!"

This is a voice from the Old World, and is worth the thought of a m

of the night, intermediate the howlings. The fierce howl for blood heard among us must cease; must certainly cease; it must cease everywhere in the Republic. I warn Senators and the country of this necessity. Above all, I warn the young men of the Republic this cry for blood must cease, or blood will not cease to flow until the time when, young men, your children will be mothers.

I have said that the third feature of an inquisition is absolute, despotic power, subject to no law. Said the gentleman from Ohio:

"Sir, the man who invokes the Constitution in forbearance of the law to punish traitors is himself a sympathizer.

Is there any law to punish traitors that contravenes the Constitution? I take it, not. The Constitution is the supreme law of the land, and the humblest man may invoke it; it is the shield of freemen; and when that shield ceases to be held up by those who are in power to protect the multitude, tyranny reigns among us. Again, said the Senator:

"I do not want to hear any more of a man than that he is invoking the forbearance of the Constitution and the great barriers in favor of American liberty to protect an infernal traitor in his course, to know that he is a sympathizer."

Now, let me ask him who made him his brother's judge, or made these committees judges? There must be government; we may appoint persons to power who on careful deliberation, with all the guards of law, may pronounce as to who is innocent and who is guilty; but I ask the Senator, I ask his committee, what gave them the right in secret to pronounce judgment upon their brother? Suspicion, forsooth, and the want of technical evidence, and the belief that a man is skulking about with evil dispositions towards the Government—these justify such proceedings! Sir, of all the fiends that live in hell, suspicion is most accursed.

Ariosto undertakes to make this terrible enemy of all uprightness a palpable thing, and in this attempt undertakes to describe one of the victims, or rather subjects, of suspicion. He says:

"Hear a story of one of these miserables, which, whatever you may think of it, is true to the letter; such letter, at all events, as is written upon the hearts of his race. He was one of the first who took to wearing beards; for, great as he was, he had a fear of the race of barbers. He built a tower in his palace, guarded by deep ditches and thick walls. It had but one drawbridge, and one hay window. There was no other opening, so that the very light of day had scarcely admittance, or the inmates a place to breathe at. In this tower he slept; and it was his wife's business to put a ladder down for him when he came in. A dog kept watch at the drawbridge; and except the dog and the wife, not a soul was to be discovered about the place Yet he had such little trust in her that he always sent spies to look about the room before he withdrew for the night. Of what use was it all? The woman herself killed him with his own sword, and his soul went straight to hell. Rhadamanthus, the judge there, thrust him under the boiling lake, but was astonished to find that he betrayed no symptoms of anguish. He did not weep or howl as the rest did, or cry out 'I burn, I burn' He evinced so little suffering that Rhadamanthus said 'I must put this fellow into other quarters.' Accordingly he sent him into the lowest pit, where the torments were beyond all others. Nevertheless, even here he seemed to be under no distress. At length they asked him the reason. The wretch then candidly acknowledged that hell itself had no torments for him, compared with those which suspicion had given him on earth."

All the sages of hell in consultation could do no more for him in their abode, and yet, unwilling that he should find peace even among its raging fires, sent him again to the earth, there to live in his own old torments forever; suspicion incarnate, always alone, always watching, the more miserable the more he makes himself secure, but always laboring to increase the security which insures his increasing misery!

Again: the gentleman says distinctly of these proceedings, "I know it is not in accordance with the principles of our Constitution; in ordinary times it could not for a moment be tolerated." This he avows; and how does he, or how do any parties here, get the right to violate the Constitution they have sworn to support? That is a question which I should like to have answered. I should like to hear some one ingenious enough in his logic, profound reasoner enough, to affirm that it is consistent and just on his part, having sworn to support the Constitution of the United States, to indorse an act which he says is in violation of the Constitution of the United States, and which in ordinary times would not be tolerated. The gentleman had better think whether this will be long tolerated under any circumstances. It may be found that the country does agree with him in the proposition that it could not be borne long at any other time. It may be found also that the country also agrees that this wrong and outrage, this violation of the Constitution and laws, will not be tol-

erated at this time. It would perhaps be wise even for the Senator from Ohio to inquire.

I have shown, Mr. President, the peculiar features that characterizes an inquisition. First, secrecy; second, a most intolerant spirit; third, absolute, despotic, tyrannical power, subject to no law; fourth, a disregard of every just rule of inquiry and every law of evidence. Now, as to the rule of inquiry and the law of evidence, which was the subject I happened to be presenting when I was last on the floor, the gentleman [Mr. WADE, of Ohio,] said:

"Our administration is assailed because, not having the the technical evidence in their possession to bring a man to trial and judgment of death, they do not let him go at large to plot against the life of the Government."

Not having technical evidence; then, what kind of evidence would they have? Techical evidence is the mere skeleton of evidence, as unfit for life as a skeleton without his clothes. Technical evidence possesses no value without some additional or corresponding facts establishes a corresponding *animus*. Technical testimony as *bare* tecnnnical testimony, would not justify any man in ordering an inquiry, much less commitment or a judgment. The term technical—the skeleton term—is one that all men understand to be the mere pretense or shadow of a thing, and if this be wanted, what then? The Goverument may seize, may judge, may execute judgment, without even techuical evidence. Do Senators admit that this may be so? God forefend. I will not reason about this matter, for no argument on the subject could furnish food for boys.

And these are notions presented by the "friends of human freedom;" men who boast we are free people. Sir, such law is no law, it is the denial of all law; and when law ceases, I am either free or slave, as my power is. I will attempt to maintain my freedom against all the efforts of tyrants. Again, the Senator says:

"The administration have attempted to put that down; they have succeeded; and yet the Senator stands there and says you should not arrest a scoundrel when you know his heart is with the enemy,"

And who gave the Senator to know men's hearts, or who gave it to his committee? I thought that belonged to the Great Ruler who knows all hearts. We only, by inference from acts, have an opinion as to what a man's heart is, and where it stands, and then it is often a lame and impotent opinion. Here the Senator knows, that a man's heart is with the enemy without the facts, as he admits, on which to base the conclusiou; without even technical evidence; he knows that this man's "heart is with the enemy, but who meanly skulks from overt acts in their favor." There are, then, no overt acts. Let us inquire, if no overt acts, then what acts? Here is an admission, that there have been no overt acts. Then there are skulking acts, and what are skulking acts? Acts done, if they are done, and any man knows of their having been done, are overt acts. Skulking acts are, I suppose, not overt acts. I suppose they are acts of which nobody knows nothing: and in those cases where nobody knows nothing, is is perfectly legitimate for an agent to play the absolute. So far as the term is personally applied, I think skulking will be the last of offenses that will be charged against General Stone. He wants now to meet his accusers face to face; he has asked that he may be permitted to meet them face to face. He has never, I learned, even from the first, placed himself in a position wherein or whereabout his friends or enemies have the right to use so low a term as the word skulk in connection with him, and I now beg his pardon in repeating it. General Stone has sought for, he has even begged for inquiry. The Senator said that my argument was, that in such a case "you should not imprison him, you should not restrain him, but you must let him go, and permit the enemy to be perfectly cognizant of every expedition and every move you make."

The Senator proceeds upon the knowledge of men's hearts. What is more clearly inquisitorial? What stronger term could Torquemada have used, when, in the dungeons of the inquisition, he said to his victim, "I know your heart, and your heart is with the heretic, therefore, I condemn you to the Stake."

Mr. President, I must say, that I do believe that of all that is recorded as having been said by the gentleman from Ohio, perhaps most of what he did say, was said by him without consideration, that he did not think and did not intend to say these things; but in the heat of controversy considering himself assailed by me, he lost the control of his judgment, and gave expression to

opinions that were not neither in or about his heart. I was presented, however, in the course of his remarks, as to a certain extent, General Stone's advocate, as being his particular champion. I understood that when the gentleman said "small lawyers may get upon these great questions of statesmanship, and pettifog as a man would to screen a felon before a justice of the peace, and place his arguments on those narrow principles of constitutional law," it was intended to include myself. I have no dispute with the gentleman in regard to the justice of the measure he applied to me. If it pleases him from his sense of truth or from any disposition to make a comparison between himself and myself, to thus characterize me, it does not offend me in the least. I think I shall be able to bear any such opinion on his part, without being disturbed in my self-respect. But, sir, it is not the fact that I stand here as the representative of General Stone. I regard myself here as the representative of a great and univerial cause. Truth, humanity, justice, right, are universal, and he who with unlawful power tramples upon the meanest human being developes the tyrant as well as he who sacrifices the victim. It is not in the name of General Stone that I speak. I speak in favor of humanity, justice and law, universal law, wherever law obtains; from that law which controls the moving spheres to the law under which we live, the Constitution and the enactments which our fathers framed—in their name I speak in this Senate Hall; and I say in their name that tyranny will not and cannot be permitted to rule in our land.

But, Mr. President, when you strike down a general who has the confidence of a great body of the army, you affect the whole country. Have you heard from the press throughout the country already on this question? That press speaks but one voice. You have heard it even from the pulpit, as I have had occasion to advise the Senate. We hear it from all quarters of the land; we hear it from the Army itself. But this is not one isolated instance. This mode of exercising power in the same quarter has been pursued in many other instances, and let me state what I am afraid is the reason for it, and if it be so, it is most mischievous. The Army of the United States, that part of it which has been in service, consists of officers who left their homes in boyhood in Maine, in Vermont, in New York, in the West, to attend the military school, and as soon as they were educated they were sent to all parts of the country and traveled over all portions of the Union. Rendering this service, they learned to think that they had nothing to do with the party controversies which were waged between the North and the South throughout our land; few of them took any part in our political controversies; they hardly even read about them; but they regarded themselves as only bound to fight for the Constitution and the Union. They have been called into service in the field; they are rendering service. They not only hold the offices that they formerly held in the service, but for various considerations they have been placed at the head of our first commands. Entertaining and practicing the opinion that they had nothing to with manufactures in New England, the grain growing interest of the West, or the cotton or the negroes of the South, they were at home in all places throughout the Union, and became catholic, in the sense of respect for all parts of the Union, and equally willing to maintain every part of the Union under the Constitution and the laws The question with them has been not what the Constitution and laws should be, but what the Constitution and laws are.

These gentlemen, thus universal in their feelings, and fighting for the Constitution, as they supposed, were not willing to prostitute themselves to *any* faction that ignored the Constitution; and thus they became obnoxious to those men who said "this war is to be carried on regardless of the Constitution;" and thus there has been made a systematic war upon the regular service of the Army, an organized systematic war, of which we have heard, which we have felt everywhere since the commencement of this struggle, and which has threatened us with great disaster. Has there not been a continuous war made upon that man who now, in high rank and office, stands at the head of our armies? Has there not been a persistent war made upon him for a long time? Have we not heard of applications having been made by private citizens to have him withdrawn from his high command? Have we not heard that he has been annoyed even since he has been with his forces before Yorktown? War has been made upon him as it was upon Stone; but it happened, fortunately for

the country, fortunately for us all, that he built his eyrie too high among the rocks for the bats and owls to reach *him*. He has winged himself too strongly and too swiftly to the azure sky for such birds to pursue him. Fortunate, indeed, is it for the country, that, from his high position and an already well-won fame, he could not be successfully assailed.

But, sir, there is another instance, one not so high in place, not so inaccessible to power, which, if I have heard the story aright, is an equal instance of outrage and injustice. Why is it that the chief of the medical staff of the Army, without inquiry, without trial, without any proceedings known to the administration of military affairs, was suddenly visited in his office and furnished with an order: "Surgeon General Finley will report himself at Boston and await orders." He was an officer who had organized the medical corps of the Army. He entered upon the office of Surgeon General in May last, at the commencement of the war; and now permit me to ask where has the country heard, where have men connected and interested in and with our Army movements heard of any grave complaints of the medical corps of the Army? Has there been any want of organization in the medical staff of the Army? From a small organization of thirteen thousand troops we have swelled up to seven hundred thousand; and I undertake to say we have had a better medical organization than the English or the French had in the Crimea, one of the best medical organizations known to history. The Surgeon General received a notification to report himself at Boston. He is not imprisoned at Fort Warren; he is quite an old man; he has served the Government for forty-five years, and has been acknowledged and accepted as a good and faithful servant. He is an old man; he is not placed in Fort Warren, but he is banished to Boston to await orders. He has been there now, I think, some three weeks, and another person put in his place as Surgeon General. Why should he be removed when he has accomplished all the labor of organization? Is it because the medical corps is now completely organized? Is it because he is a man who has gone through that labor and work, and who has done it well, and in whose case the country has not complained? There is a story about it, and I believe I am authorized to mention it, and I will mention it for the purpose of showing the *animus*, not political, but personal, that governs the gentleman who sits at the head of the War Department.

A gentleman, a warm friend, and professedly a great admirer of the Secretary of War, writes to him from Pittsburgh, charging a gentleman of position in Philadelphia, in the Government employ, (Doctor Neill,) with having been guilty of malpractice and stealing. Secretary Stanton, in the regular course of business, sends the communication to the office of Surgeon General Finley, and it is presented to him officially. He directs one of his subordinates to make a copy of it, and send it to Dr. Neill, in Philadelphia, and ask him what he had to say to the accusation made against him. This gentleman, being indignant at the accusation of his having been guilty of malpractice and being a thief, first sends affidavits and all the proof he can to the medical department in reference to the charge, and then brings his action for libel against the accuser. The accuser's letter, or a copy of it, is then produced, and he sends here and asks the Secretary of War how this letter that he wrote to him in all confidence has been published, the result of which has been that he has been sued upon it. Mr. Stanton, not finding any fault with the writer of the letter, calls upon the Surgeon General, and says: "Dr. Finley you furnished a copy of that letter upon a particular subject," naming it, "to Dr. Neill, of Philadelphia; you have been disclosing the confidential secrets of the office." "No," says Doctor Finley, "if any one practice is universal in the army, and I think a good practice, it is that whenever a person in its employ is assailed, the charges against him should be immediately preferred." That is the rule, and *the violation of it is what we are now complaining of.* Mr. Stanton told him, "Sir, you had no business to send that letter, under the circumstances, to this gentleman," and he commenced reprimanding him for it. "I am perfectly willing, Mr. Secretary," said he, "to be reprimanded after trial and judgment by court martial, but I would prefer waiting until I shall have been adjudged worthy of reprimand." "Then," said Mr. Stanton, "*as for your courts-martial, I have a prompter way of doing business of that kind myself; sir, I can strike you from the roll.*" Surgeon General Finley replied in substance, "Sir, I was not pre-

pared either for your assault upon me or any such threat of authority; I beg to withdraw."

The bare act of authority, superseding an officer of forty-five years service, without any assigned cause, a man who was the head, and the popular head, of the medical corps of the army, was out of any course or law of authority, and struck the medical corps of the army and thousands of others with surprise, and upon the heels of surprise comes inquiry. This arrest, for it is a military arrest, of Surgeon General Finley has opened other and further inquiries which I will not undertake to conduct or answer. For the present, I will content myself with saying it is a blow struck at the heart of the service, and by way of illustrating or stating my own conviction, I will quote a brief extract from the letter of a gentleman well known to the service, who happened to meet Dr. Finley on his way into exile. He said:

"I have never seen him so depressed. It would seem from circumstances as detailed by him to have been cruel treatment. Is it not sad to think of our friend Dr. F., winding up his career of forty-three years' military life in the way he will likely do?"

And how do these things strike not only the heart of such a man, but the heart of the country? No cause is assigned; he is not informed if there is anything against him. This is the exercise of the one man power without regard to law. There is another feature in this which made it to his friends at least seem hard. He is ordered to Boston; he is an old gentleman, with family and children at Philadelphia, himself a native of Ohio, I believe. If he had to be retired, there might at least have been extended to him the courtesy that was given to General Hull, after he was found guilty and condemned to be shot, namely to send him to his own home to remain there until further orders from the Government.

Now, Mr. President in regard to all these things, permit me to say again that I am not General Stone's advocate; I am not General McClellan's advocate; I am not Surgeon General Finley's advocate; I am no man's advocate. If General Stone, of whom I have particularly spoken, is guilty of any crime, let him be tried, condemned, and punished. If he has been guilty of any crime worthy of imprisonment, let him be found guilty, let judgment be pronounced, and let him be placed in one of your deepest dungeons, if you please. If upon trial and judgment he shall be found to have forfeited his right to life, give him the volley or the gallows. He demands simply that it shall be ascertained whether he *has* forfeited his right to honor, liberty, or life. He cannot learn whereof he is accused; he cannot learn whether he is charged with treason or misdemeanor. His family cannot learn it. What he wants is to be tried, and he does not fear the chances of the controversy. It has been his wish always to expose every act of his in this connection to full inspection in open day.

Sir, this man in authority at the head of the War Department, who has exercised such strange and extraordinary power, may think that in doing all this he will acquire fame and renown, and that he will endear himself to the heart of the country. He may think that he is making a very successful war upon such men as General Stone. He may think that he may make successful war upon such men as General McClellan. It might be well for him to remember, or for some of his friends to suggest to him, the point of an ancient fable: "The men who once did sell the lion's skin while the beast lived, were killed in hunting him."

In this country, which is called free, these are strange things—strange things to be done in the name of constitutional liberty. I warn gentlemen, if there are any here who are approvers of these proceedings, that the country, the great body of our people from Maine to Kansas and from Kansas to Oregon, will not merely regard these as strange things, but will regard them as acts of intolerable tyranny. No man, no set of men, will long be permitted to hold or exercise such power in this Republic. This is not such a kind of tyranny or dictatorship as this people can submit to. This is not the kind of authority exercised by that Miltiades sent by the Delphian god to protect and lead the people of the Chersonese. This is not the kind of tyhanny exercised by Aulus the Dictator, the man of seventy fights; or by Cincinnatus, brought by the Roman Senate from the plow. This is not just power by appointment, "with the consent of the Senate," nor of the people of the United States. This is arbitrary, tyrannous power.

Mr. President, I am not wont to be fault-finding, and I wish to be understood

as not now engaged in any partisan controversy. I am endeavoring to make war on wrong and outrage. I am struggling to maintain constitutional liberty. I am endeavoring to reach the presumptuous arrogance of a man high in place, whose course, if permitted and continued, will bring down upon our present Government confusion, disaster, and utter anarchy.

Sir, who is the Secretery of War? It is said he is an eminent lawyer. This may be so, but I must ask permission for a doubt, it being my opinion that no lawyer can justly claim the term eminent without being true, just, and generous —a complete man.

Who is this Secretary of War? Has the country known him? If so, when? It has known him as the recipient of large professional bounties at the hands of the last Admistration, the Administration of Mr. Buchanan, a good and loyal friend of that party who fought under the banner of Breckinridge in 1860. His grace is that shortly after November of that year he became a warm and attached friend of the Union. There is an old saw about "rats" that might fit his case. He comes in a warm friend of the present Administration after it has won success. He offers his advice to the present Administration. He is an energetic, active, efficient man, if you please. He acquires a place of power. Now, I say he is no Democrat if I know what a democrat is; he is no Republican, if I know what a Republican is. Sir, he *belongs to the party in power.*

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment to the resolution offered by the Senator from Massachusetts, [Mr. WILSON.]

Mr. DOOLITTLE. I move that this whole subject matter be referred to the committee on the conduct of the war.

The PRESIDING OFFICER. The question now is on the motion to refer the resolution to the committee on the conduct of the war.

Mr. McDOUGALL. I did not think it necessary, Mr. President, to wait for the reply of the Senator from Ohio, (Mr. WADE) to the remarks I addressed to the Senate. If it had been the ordinary course of debate that could be settled by any kind of rule, where the person who made the affirmation should have the opening and conclusion, I might have done so; but the Senator from Ohio has sought to have both. He has endeavored to reply to me on two different occasions. I am not disposed to get into any further discussion with him. The Senator from Ohio, I am satisfied, has not undertaken to reply to me so much as to endeavor to distribute the responsibility. The weight of the burden thrown upon a few shoulders was more than the few, the Secretary and the committee, could exactly bear, and therefore they choose to distribute it over the whole Republican party, from the President, as the head of the Republican party, over all his subordinates. Allow me to say, sir, while we engage in con-controversies of party, (and parties *are* legitimate,) while we are all more or less partizans, yet, in my opinion, whenever a man of either party, fit to be placed in the position of the President of the United States, achieves that high position, he ceases to be President of a party; he is the President of the nation, Let me say further, that it should be the same, whether it is or not, with Senators. While out of doors, where the storms of party prevail, they are partizans to a greater or less extent, yet when they come here, where there should be a pure atmosphere, they cease to be such; they are national Senators. For myself, I have sought to occupy that position.

Let it be understood here that I have not assailed the Chief Magistrate of the nation. I know well the great burdens resting upon his shoulders—mighty burdens sufficient to weigh down a man of Titanic form and strength. I understand well that in all this detail of business, he cannot take charge either of the inquiry or of the administration. I took occasion on a former day to say that I did not believe he had anything to do with the arrest of General Stone. I do not believe he had anything to do with any of these particular arrests. Of course, he is in a certain sense responsible. The fault I found with him was that he had allowed these things to be done. It is the misfortune of the country that he has not better surroundings; for let me say, as I have had occasion to say before, I know of no wiser or better man in and about the Government than the present Chief Magistrate. The fault I find is that by the accidents of party, by the demanding, exacting influences of partizans, he has been almost compelled to surround himself with some persons altogether

unfit for their high place, and unfit to be counsellors of the President of the United States. At the same time I wish to be understood that I make no assault upon the Republican party as such. I believe the chief element that placed our present Chief Magistrate in his place of honor and of power was a true democratic, constitutioual, law-abiding element, and that it is a vast minority that appeals to a law higher than the Constitution, as they say; lower, as I say—as low as are the gates of hell.

Sir, I am not to be placed in the position of assaulting all men or making war upon all meu who have had anything to do with the building up of the present Administration. It was an opposition movement, and brought together many opposition elements, as all opposition movements do, adverse elements of all forms and shapes. I know that many people of my opinion supported the present Chief Magistrate, because they thought there was no chance for the other candidate for the Presidency from Illinois, and believing that the candidate from Kentucky was disloyal, they wanted to demonstrate their loyal sentiment. Thousands and tens of thousands voted for him who are men who believe in the Constitution in all its integrity, in the laws with all their force, and in the courts with all their dignity and power. In my judgment, they are the great body of the men who are now upholding this war and this Government; and I say that those persons who ignore the Constitution, who deny all law, who assert the existence of a power that cannot be measured by any term, but may at its pleasure by a nod mark its victim; I say that those persons are makiug war, violent war, upon the iutegrity of the Union, and are, each one of them, as far as in them lies, as mischievous, as any of those who head a column of the enemy.

It is in that spirit that I have spoken. I do not bring charges against the Administration. I not only regard the President as an able man, but many of his Cabinet have my high respect. I say great wrong has been done, and I *charge it to the head of the War Department.* To a certain extent the responsibility has been assumed by the chairman of the committee on the conduct of the war. All the responsibility that he has chosen to take, whether in maintaining himself or assaulting me, does not disturb me at all, nor will is disturb the country; but at whose instance this wrong has been done, whether at the instance of the committee or of the Secretary, is a subject for consideration. The action which the Government takes is that into which the people will inquire; and I trust I yet belong to a country where the people are sovereigus. In them rests ultimate sovereignty; and when they, the people, exhibit the result of their judgment in this Hall, in the other end of the Capitol, in the place where the President sits, and in all places of legitimate power, it will be known whether I am right, or whether the Senator from Ohio is right, or wheher the Secretary of War is right. I am willing to trust the judgment of the tribunes of the people.

Now, Mr. President, allow me to say a word in regard to the reference of this question to the committee on the conduct of the war. I introduced the resolution. It is a very extraordinary thing that my adversary should ask to have it referred to his own committee, the committee on the conduct of the war, the inquisitorial committee. Have we not regular committees of this Senate that are not inquisitions, aud who discharge regular public business? If it is to be referred, refer it to some committee that does not sit with sealed doors, take *ex parte* testimony, and give *ex parte* verdicts. In my judgment, the resolutiou should not be referred at all; but as the Senator has made the motion, I move to amend it by moving that it be referred to the Committee on Military Affairs. I shall consider the vote of the Senate on that motion as somewhat the sense of the Senate as to whether this inquiry should be properly responded to.

The PRESIDING OFFICER. The motion of the Senator from California to refer to a standing committee has precedence over the motion of the Senator from Wisconsin to refer to a select committee, and will be first put.

Mr. BROWNING, of Illinois, having addressed the Senate, Mr. McDOUGALL replied:

Mr. PRESIDENT: My apology for seeking the floor so often is, that I alone am receiving the assaults of so many of adverse opinions; and as I have introduced this measure, and intend to maintain it, I must fight them in detail, for they are too many for me to meet in one single encounter. I am not going to make more than a very few remarks; I hoped the debate would have closed ere this.

The most striking thing said by the Senator from Illinois was, that individuals may suffer wrong that the public interest may be maintained. That is a maxim that was learned by us all in our early education. Human institutions are all imperfect; laws are imperfect; by the imperfection of human reason, justice cannot always be properly rendered. Laws being imperfect, and judgments being imperfect, injustice must every now and then occur; but because injustice is suffered under law, under the wisest administration of justice according to law, is that to be an argument why, without law, above law, regardless of law, injustice and wrong should be done? My objection is that here, by an irresponsible authority, governed by no rule, subject to no inquiry, unknown to our institutions, an innominable power, injustice is done. In the best governed country, under the best laws, under the best judges, evil to a greater or less extent frequently occurs, but I object to having that evil accumulated upon us through a power irresponsible, unknown to the law, and without limitation of authority.

But, sir, what have I called for? Simply an inquiry as to why right, under the law, has not been recognized. The right I undertook to demonstrate; and I dare assert that I did demonstrate that, under the Constitution and the laws, this man, seized and imprisoned, had certain rights. As he had subjected himself to military law, he was entitled to the protection of military law. As he had sworn to obey it, and subjected himself to its penalties, so had he a right to all its benefits. Those benefits to which he was entitled by military law have been denied to him. He was one of the leaders of our armies, a soldier for many years, who had seen service in battle-fields, who had taken the chances of his life on many occasions for our institutions, and surely he should be entitled to the benefits of the protection which he contracted for when he entered the service of the country, and said he was prepared to peril his life for that country. What right did he claim? He claimed the simple right to know of what he was accused, why he was imprisoned, and to have a fair trial. That is all that he has claimed. It is all I have ever claimed for him.

It is said in reply, that it may not be consistent with the interests of the Government that he should be tried; that it may not be consistent with the interests of the Government that he should be informed of what he is accused! This is to me inconceivable. Some of the hours of my life I have bestowed upon thought, and some to all forms of logical reduction. I cannot conceive—it is beyond the range of my conception—how this Government is so imperiled that it may be in danger from informing a person seized of the substance of the accusation against him. I cannot see why this Government may not give to a man who is brought down from the command of a division of our armies in the field, and placed in prison, some notification of why it is done. I cannot see why he may not have a commission to inquire and a court to try him.

It may be said now, and I understand it is said, that our army have left the city of Washington, and that a large body of them is before Yorktown, and another large command at Fredericksburg, and that they are so scattered over the whole country that a court cannot be had for trial, or witnesses cannot be had to testify. What was the difficulty on the 8th of February? Why was he not placed under arrest in the city of Washington, and a court organized then and there? Why were not the papers placed before the Judge Advocate General of the Army, or the judge advocate of the army of the Potomac? Why was he not informed of the charges against him according to the rules and articles of war? Why was not a court then organized, when our army was lying slumbering on the banks of the Potomac? February passed; March passed; April is nearly passed. All this makes up a long period of time, and so far from his having a court of inquiry, or a court-martial, it has not been intimated to him wherefore he was arrestad, and no friends of his have been able to find out wherefore he was arrested. He may have heard what was said by the committee. I will not now dispute what gentlemen say as to that. I am glad to learn that they brought General Stone before them. I am glad to learn that they informed him something as to what they had said, and what they had done.

But the committee, by their chairman, say that *they* did not act in the arrest, and that they do not know upon what the Secretary of War acted. It was the action of the Secretary of War. During all this time General Stone has not been informed of the charges against him; and why not informed? Not for want of its being perfectly convenient to the Government during all that time

to have given him a trial, or to have at least informed him of the charges. He said and represented to them, "it is important to me, to my honor, to the honor of my family, to those who are to come after me, that I shall be fairly judged; and the men who were about me are in the field of war; they may fall victims to the assault of the enemy on any day. When this war shall be over, there may not be any of those who would vindicate me as to that of which I may be accused, alive to respond to any court of inquiry or any court-martial."

Again, it may be said by the enemies of General Stone, when the war is over and a court-martial is organized, "the men who accuse you were killed in battle; but they said so and so, and as they have died in defense of their country, the brand is upon you." Against all these accidents he has desired to provide by a prompt trial. In this way a man of high honor, a pure man, as I believe, a man whom I call among the beautiful men of the world, beautiful in character, beautiful in all that belongs to a man intellectually and morally, a beautiful man with all the grace of beauty, is to be disgraced upon the public records of a great nation. The thing is intolerable!

These things cannot be done in the name of liberty; these things cannot be done in the name of the Constiiution and laws; they are violent outrages upon the Coustitution and the laws. I have appealed for him and for the heart of the nation that he shall be tried: he has appealed himself in vain; his friends have appealed in vain; his counsel have appealed in vain; I am afraid that I, here in my place, appeal in vain for any aid or assistance that this great wrong shall be inquired into. His right is to a trial. The public interest cannot be impaired by his being furnished with the charges, by his accusers presenting themselves, by the orgauization of a court-martial, by a trial before a court-martial, by the perpetuating in depositions perishable testimony. These things are not in the category of things that can injure the public service. We should not allow a wrong like this to be done in violation of the Constitution and the laws.

Sir, I am not here to assail Senators; I am not here to assail committees; I am not here to assail parties; I am here to maintain the truth, to maintaiu our institutions, to see that the law and the right is administered, and if I cannot accomplish this, then with uplifted hand, in my place in the Senate, I protest against this and all like wrongs and outrages.

So far as the proposed reference of the resolution to a committee is concerned, I do not think it valuable. It is not customary to refer resolutions of inquiry. It is customary to inquire on all these subjects of the Secretary of War. If, however, the resolutiou is to be referred, I hope it will be to the Committee on Military Affairs, where the Senate may be able to express its voice at some time on the subject. If it be referred to the committee on the conduct of the war, that being a joint committee, we have no power over it, as I understand the Senator from New Hampshire. If it is to be referred, let it be referred to a committee over which we have authority. I should prefer, however, the adoption of the resolution as I offered it, for I want to know definitely and distinctly whether Senators really intend to maintain the doctrine that a man can be arrested without notice of the cause for months, he being subject all the time to the civil law of the Government, subject all the time to its military law, and when entering the service promised all the protection of that law, that such a man can be imprisoned by the authority of an arbitrary, unknown, unconstitutional power! I want to see who there is in the Senate that affirms such a doctrine.

The PRESIDING OFFICER. The question is on the motion of the Senator from California to refer the resolution to the Committee on Military Affairs and the Militia.

(Here a brief discussion ensued as to the practice of the Senate in reference to the terms used in calls for information on the President, and on the Departments, at the conclusion of which, Mr. Doolittle having withdrawn his motion to refer to the Committee on the Conduct of the War.)

Mr. McDOUGALL said: I am perfectly satisfied then with submitting the matter to the President, believing that we shall be able to learn in a very short time what the true state of the case is.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. McDOUGALL. I accept the amendment.

The amendment was agreed to.

The resolution as amended was adopted.

But 28% of the appeals from Judge Torrance's decisions have been reversed by the Supreme Court; while 53% of those appealed from Judge Puterbaugh's decisions have been reversed. See Pacific Reporter, 1886–1896.

The Local Republican Ticket.

OUR NOMINEES AND THE CONVENTION.

Charges of Bossism Refuted!

Speech of SAM F. SMITH

Delivered at Phœnix Park, Saturday, October 17th, 1896.

FRIENDS AND FELLOW CITIZENS: It is my pleasant duty to call to your attention the local ticket nominated by the recent Republican County Convention, and to urge all good Republicans to stand by their ticket from top to bottom.

LEGISLATIVE TICKET.

It has presented for your suffrage as candidate for Assemblyman of the 79th district, W. R. Guy, the present incumbent. His work speaks for itself; able, conscientious and honest, he has served his constituency well; he, in conjunction with the other Republican representatives of this county, succeeded in passing measures that reduced the salary and fee accounts of the County over $30,000; that reduced the enormous tax that has hitherto been paid for official work, that checked the enormous inroads on the County Treasury made by the rustling catcher of the festive tramp; and who succeeded in having passed an act establishing a Normal School at San Diego, which did not become a law because a Democratic Governor would not sign the bill. Return him again and you can rest assured that his restless energy will bring forth abundant fruits in wise and judicious legislation.

J. William Cox, an honest, sincere, capable man, has been nominated for Assemblyman of the 80th district; a man who, "like good wine needs no bush;" a man who has not sought the office, but whom the office has sought, a worker not a talker, a tiller of the soil not a professional seeker after office, a man who knows the wants of the farmer and horticulturist because he is one, a man who realizes the necessity of good roads because he has something besides wind to market, a protectionist because he feels the need of protection to preserve the American market for the product of American labor, a soldier, a patriot, and above all an honest man, vote for him and you will have the pleasure of assisting in the election of one of Nature's noblemen.

There is another reason why you should vote for these two men. The term of office of Senator Geo. C. Perkins expires on March 4th; it is essential to the cause of good government, that he or some good Republican should be elected to that office. California needs a representative citizen, a man who

can command the respect of his compeers. The Atlantic coast has twenty-six senators in the Senate, while the Pacific coast has but six; so our representatives must be of the best material to be had, to obtain for us necessary federal legislation. We need honest men, capable men, men who are identified with the material interests of our State, men of works not of promises, men of deeds not of talk, and such a man is Senator Geo. C. Perkins; he fills the requirements in every particular. The two candidates whom I have named, although unpledged, will in all human probability vote for him—while their popocratic opponents are pledged to vote for that unique importation from New Jersey—Thomas V. Cator. This is a contest between statesmanship and demagogry, between brains and bombast, between honesty and repudiation, between law and lawlessness, in a word, between Republicanisn and Tillmanism. One is of the school of Lincoln, Grant, Garfield, Harrison and Blaine and the other of the school of Altgeld, Tillman and Pennoyer. On such lines there can be but one choice among American citizens and that choice is that American statesman and patriot, Geo. C. Perkins. To elect him you must elect as your Assemblymen the Republican nominees, W. R. Guy and J. William Cox.

SUPERVISORS.

The next political office on the ticket is that of Supervisors. The Republican convention has presented for your suffrage in the first district, Howard M. Cherry; in the second, C. H. Swallow and in the third Joseph Foster; I will not take up your time in personal mention of these men; the electors of the respective districts will have ample opportunity to meet them personally, but I desire to impress on your mind the necessity of securing a Republican majority in the Board which levies our taxes, which builds our roads, which manages the fiscal concerns of our local body politic. To do this we must elect all three nominees. For a moment let me call your attention to the rate of taxation of this county. The rate during the past six years has been [exclusive of State taxes]:—

1891..... 1.254
1892..... .98
1893.....1.274
1894.....1.237
1895.....1.315
1896.....1.371

During 1891 and 1892 we had five Republican supervisors, and extensive additions in the nature of a new jail were made to our County Courthouse, yet the average rate of taxation was but 1.12. In 1893 and 1894 with three Republicans and two Democrats on the Board, the average rate was $1.25, while in 1895 and 1896, notwithstanding the reduction and saving in salaries and fees made by the legislature of 1895, the average rate was $1.34 or an increase in six years of twenty-two cents. A comparison with the other counties is also interesting.

The rate [exclusive of State taxes] in
Riverside county is.....$1.121
Orange county is..... 1.07
Los Angeles county is..... 1.02
San Bernardino county is..... .87
While San Diego county is..... 1.37

Do not these figures show that it is time that we returned to a Republican administration in a Republican county. To do this, my friends, it is necessary that we elect all three nominees. Republicans, do your duty, vote for the nominees of your party, leave personal friendships and all matters but party fealty aside and by your united votes reclaim the county from popocratic hands.

JUDICIAL NOMINEES.

The convention has placed upon its ticket two able, capable and honest men, Judge E. S. Torrance and M. L. Ward. Men in whom their bitterest enemy can pick no flaw as to integrity or capacity, men who have been faithful to trusts hitherto reposed in them. The convention has placed these men upon their ticket and they are entitled to the support of all men who are loyal to their party and their nominees.

Judge Torrance is a native of Pennsylvania and was born in Westmoreland county in April, 1846; in 1862 he enlisted in the 135th Pennsylvania Volunteers and was honorably discharged at the expiration of his term of enlistment. He is a graduate of Washington and Jefferson college, and taught school for a number of years, being principal of the public school of Brookfield, Mo. He was admitted to the practice of law in 1870, and served as prosecuting attorney for six years, and as judge of the thirteenth judicial district of the State of Kansas; coming to California in 1887. He at once became prominent in the practice as a member of the firm of Luce, McDonald & Torrance. In 1890 he was elected one of the judges of the Superior Court and has served with honor and distinction and he has won the confidence of all classes of people.

M. L. Ward is a native of Ohio and is 46 years of age. He practiced law in Iowa for ten years before coming to California.

He has practiced law in the City of San Diego nine years and has won a leading position at the bar, and is recognized as one of the ablest lawyers in Southern California. He served as district attorney for two years and made a fine record, saving for the county many thousands of dollars; at the expiration of his term he entered into partnership with A. Haines under the firm name of Haines & Ward. He is held in high esteem by all who know him and his ability and good qualities have won for him just recognition at the hands of the party.

The ability and standing of these men entitle them to the hearty and enthusiastic support of all citizens.

In this campaign we have a peculiar phase of politics which I desire to thoroughly discuss—"party bolters." Men who sought at the hands of this convention a nomination and not having secured it now seek to defeat their successful opponents with a cry of "bossism", "bribery" and "corruption". Our candidates have been traduced, the integrity of the delegates to the convention has been assailed, the convention and county committee have been accused of being political henchmen and of being corrupt. Men who have been honored in party councils, who have received political preferment at the hands of the Republican party, are now traversing this county assailing with all the vehemence of disappointed ambition, the very organization at whose hands they sought political favors. Their whole justification is that they allege that in San Diego we have a political boss, a man who is trying to manipulate things to suit his own selfish ends. I am free to confess that there are many men in San Diego who try and would like to control the politics of the county; several of them are to be found among the ardent supporters of this independent candidate; but I do not admit and will not admit that E. S. Babcock, or any other man, controls or dominates the Republican convention or Republican party of this county. Our party owns or acknowledges no boss, and we resent such slanders as an insult to the party, as a malicious attack on men who acted on their honest convictions in a representative capacity, as the emanations of a noble mind turned from its usual vigor by disappointment, and the flattery and seductive solicitations of others who seek to compass through him what they dare not attempt themselves. I deny that any man

controlled or dictated the action of the convention and I challenge any man to produce the proof. Assertions count for naught, general charges count for naught. How? When? Where did he control it?

Who do they claim he supported for Assemblyman in the 79th district?—J. P. Jones. Was he nominated? No.

Who do they claim he supported for Assemblyman in the 80th district?—T. J. Fisher. Was he nominated? No.

Who do they claim he wanted for Supervisor in the first district?—J. A. Altamarino, Jr. Was he nominated? No.

Who do they claim he wanted for Supervisor in the second district?—J. A. McRae. Was he nominated? No.

Did he meddle in the affairs of the third district? No.

Who do they claim he supported for judges of the Superior Court? Judges Torrance and Pierce. Did he nominate either of them? No. Judge Pierce was not nominated, and Judge Torrance received 129 votes on the first ballot. HE did not nominate him.

Now fellow citizens when a man looses five out of six candidates he is said to have supported, he cannot be very much of a boss, and a convention that does not nominate but one out of six men said to have been supported by him cannot be very much under his control. No. I repeat, I deny the assertion that Mr. Babcock, or any other man, controlled the convention. He opposed the nomination of Judge Puterbaugh and he had a right to, equally as much right to prefer Judges Torrance and Pierce as Judge Puterbaugh's friends had to prefer him. He likewise, when he found or believed that Judge Pierce could not be nominated, had a right as a delegate to that convention to vote for M. L. Ward and to throw whatever influence he held to him. What vested right had or has Judge Puterbaugh to claim his support as against any other candidate? In fact Judge Puterbaugh's friends said in the convention that they would prefer to have Babcock against Puterbaugh than for him. I want to call your attention to the vote of the convention on judges, the figures will themselves disprove the charge of bossism, and show that the defeat of Judge Puterbaugh was the will of the delegates and not the desire of any one man.

The ballot stood:	1st	2d	3d
Puterbaugh	97	81	109½
Pierce	78	30	——
Torrance	129	——	——
Ward	90½	99	125½
Daney	55½	26	——
Bushnell	9	——	——
Fuller	20	3	2

Every delegate and every man who was in the convention hall well knew that on the second ballot Mr. Babcock openly supported and worked for M. L. Ward as against Judge Puterbaugh, and by reason of his efforts Ward's vote was increased 8½ votes, and yet Mr. Ward lacked many votes of being nominated. Where did he get them? On the third ballot and after the withdrawal of Pierce and Daney, 26½ of their votes went to Ward and 28½ to Puterbaugh. Was it not the friends of Pierce and Daney who finally nominated Ward? Does Mr. Daney, when in his letter he said "they voted at the dictation of people unfriendly to your candidacy by reason of monetary consideration," refer to those delegates who so ardently and nobly supported him and when he was no longer in the race, in preference to Puterbaugh, voted for Ward, or does he accuse the friends of Judge Pierce?

Further let me call your attention to the first ballot, that is the preference of the delegates as to two candidates, for each ballot was required to have upon it two names. The ballots were as follows:

E. S. Torrance, 129 votes. Torrance—Ward, 44; Torrance—Puterbaugh, 38; Torrance—Pierce, 25; Torrance—Daney, 11; Torrance—Fuller, 6; Torrance—Bushnell, 5. Total 129.

M. L. Ward, 90 votes. Ward—Torrance, 44; Ward—Puterbaugh, 22; Ward—Pierce, 12; Ward—Daney, 11; Ward—Fuller, 1. Total 90.

George Puterbaugh, 97 votes. Puterbaugh—Torrance, 38; Puterbaugh—Ward, 22; Puterbaugh—Pierce, 20; Puterbaugh—Daney, 12; Puterbaugh—Fuller, 4; Puterbaugh—Bushnell, 1. Total 97.

W. L. Pierce, 78 votes. Pierce—Torrance, 25; Pierce—Ward, 12, Pierce—Puterbaugh, 20; Pierce—Daney, 15; Pierce—Fuller, 3; Pierce—Bushnell, 3. Total 78.

Eugene Daney, 55 votes. Daney—Torrance, 11; Daney—Ward, 11; Daney—Puterbaugh, 12; Daney—Pierce, 15; Daney—Fuller, 6. Total 55.

George Fuller, 20 votes. Fuller—Torrance, 6; Fuller—Ward, 1; Fuller—Puterbaugh, 4; Fuller—Pierce, 3; Fuller—Daney, 6. Total 20.

Omar Bushnell, 9 votes. Bushnell—Torrance, 5; Bushnell—Puterbaugh, 1; Bushnell—Pierce, 3. Total 9.

Where is the hand of a boss visible in these figures? Or where is the evidence of a combination?

Corruption must be predicated on corrupt purposes; men will not seek to control conventions except for selfish purposes, men will not devote time and money to attain such ends unless there is a corrupt purpose in mind. Does any man mean to say that Judge Torrance and M. L. Ward are corrupt men? Listen to what Judge Puterbaugh himself says about them, (I quote from his Oceanside speech delivered September 29th, 1896): "There were quite a number of highly honorable men, *everyone one of them a peer to myself*, who sought the nomination in that convention." I repeat, bossism means corruption and corruption means corrupt purposes, and bossism and corruption never appear in the interest of any cadidate who is the peer of Judge Puterbaugh.

I am a personal friend of Judge Puterbaugh, I voted for him in the convention, I preferred him to Mr. Ward and Mr. Daney for personal friendship alone, but I do not believe that because of that personal friendship that I should desert the standard of the Republican party and support him in preference to the regular nominees of the party, who are his equal in every respect. Neither do I believe that it would be right to allow the statements of his over-zealous supporters to go unchallenged or to withhold just criticism of his unwarranted and unjustifiable action, whatever the consequences of denial or discussion may be to him.

Let us take up the charges made one by one:

It is first claimed that city delegates were bought, or a sufficient number of them to nominate the successful nominees. The best refutation of such a nonsensical charge is to read to you the names of the delegates to the convention. They were:

First ward. First precinct—W. Parrish, T. L. Lewis, S. F. Barker, J. S. Bachman. Second precinct—J. A. Altamirano, Jr., Frank Stewart. Third precinct—J. O. W. Paine; alternate, John L. Stewart. Fourth precinct—C. D. Boyd, Frank W. Barnes.

Second Ward. First precinct—D. C. Collier, Jr., F. A. Conover, C. W. Pauly, M. T. Gilmore, J. W. Sefton, George Ruble, H. R. Harbison. Second precinct—George B. Chapman, A. D. Haight, J. L. Forward, Frank Stewart, C. M. Hall, L. J. Mack, N. McKie, C. B. Richards.

Third ward. First precinct—W. D. Stewart, J. W. Keenan, I. A. Hubon, B. F. Downs, J. S. Clark, W. G. Tirrell, Ernest Meyers. Second precinct—

Irving B. Dudley, H. R. Waters, G. G. Potter, W. W. Stewart, James Wells, C. M. Beedy, W. A. Galbraith.

Fourth ward. First precinct—Eugene Frandzen, W. A. Sloane, R. J. Blair, S. H. Olmsted. Second precinct—Simon Levi, Fred Baker, F. R. Burnham, D. L. Murdock, John Conroy, D. C. Collier, John H. Smith, D. C. Reed, E. G. Bradbury.

Fifth ward. First precinct—George A. Benson, William H. Kroah, A. D. Jordan, George McNeill, Joseph McQuaid, Paul Rediger, Rudolph Schiller. Second precinct—R. W. Taylor, J. G. McWilliams ½, B. A. Stephens ½, Fred H. Robinson, George R. Harrison.

Sixth ward. First precinct—M. J. Perrin, E. E. Denton, W. J. Ward, D. Cave, G. E. Gabrielson, W. F. Hutton, H. L. Barrows, S. E. Gaskill. Second precinct—W. E. Lankester, Philip Morse, E. Buck, Beau Hooker, James Russell, L. A. Wright, A. G Gassen, D. F. Jones, George W. Marsh, F. W. Jackson, W. H. C. Ecker, T. J. Daley, H. M. Landis, H. W. Vincent.

Seventh ward. First precinct—T. J. Hayes, E. P. Guysi, Paul Reuther, A. P. Johnson, Jr., Solon Bryan, William Lehnert, Sam F. Smith, A. J. Verlaque, Herman Welisch, J. A. Thomas. Second precinct—George A. Merritt, J. M. Williamson, Ed Cotter, William F. Reupsch, Charles Schultz.

Eighth ward. First precinct—Frank A. James, Childs B. Allen, George D. Goldman, Joseph B. Smith. Second precinct—J. H. Cassidy, C. L. Brimhall, W. W. Lewis, A. Beard, S. B. Douglass, Asa D. Starkweather, C. I. Wellington.

Such a charge is a direct insult to every delegate in the convention and should receive such a rebuke at their hands that will bury the author of it so deep in a political grave that even Gabriel's trumpet would fail to arouse him.

The second charge is that Mr. Francisco Moreno, of Pala, voted for one of the nominees for a monetary consideration. No proof of this charge has been submitted and it rests on the bare statement of Mr. D. C. Collier, Jr., without corroboration. Mr. Moreno writes as follows.

"Oceanside, Oct. 3d, 1896.

"S. F. Smith,

"Chairman Republican County Committee,

"San Diego, Cal.

"Dear Sir:—It has come to my knowledge that a report is being circulated in San Diego that I was offered money to vote against George Puterbaugh for judge, the report is a malicious lie told without a shadow of truth. I was not approached for my vote for any one.

"Francisco Moreno."

In morality and in law a man is presumed to be innocent until proved guilty. Those who know the two gentlemen will know who to believe, and those who do not will certainly require more proof of such an offense than that given by this vaunting, over-zealous campaigner.

The third charge is that a large number of delegates in the city were expressly instructed by their constituents to vote for Puterbaugh in the convention and that they betrayed their promise and did not vote for him. The Republican County Central Committee on Oct. 3d addressed the following letter to Judge Puterbaugh:

"San Diego, Calif., Oct. 3, 1895.

"Hon. George Puterbaugh, San Diego, Cal.

"Dear Sir:—In your Oceanside speech on the 29th ultimo, you said that the only reason for your independent candidacy was that the recent convention was not fairly conducted; you further said that a majority of the delegates in said convention were dominated by a "boss"; that delegates who were expressly instructed for you by their constituents betrayed their trust and

voted for other candidates than yourself; and to quote you exactly, you said, "If they offered it (ten dollars) to one man, they offered it to another. It is a matter though, that we do not care to bring into this campaign unless forced upon us, and I simply mention this as personal knowledge which was given me by a delegate, and it actually occurred." You have thus made a direct accusation that money was offered by some person to a delegate to influence his vote —bribery, pure and simple—and you vouch for the truthfulness of the accusation.

Now, my dear sir, this committee, individually and collectively, are as much opposed to bossism as you are or can possibly be. We are unalterably opposed to bribery or corruption in any form, or for any purpose, whether done within or without the convention, or for any man or set of men. The convention of which you complain selected us as their representatives and by virtue thereof, we are, during our legal existence, the local head of the Republican party in this county, and as such it is our duty to protect the honored name of our party from assaults within and without. You practically charge our party organization with being corrupt; you have directly impugned the integrity, fidelity and honesty of 129 delegates to the late convention, and indirectly the whole—for the public cannot determine who were the delegates who voted for you; you have besmirched the honesty and integrity of Judge E. S. Torrance and M. L. Ward, candidates before the convention by indirectly accusing them of bribery. Now in justice to the delegates, in justice to the candidates, in justice to the great Republican party we ask and urge you to make public the names of any and all delegates who were instructed to vote for you and who betrayed their trust. Make known the wards and precincts who instructed their representatives for you. Let the public know the names of the delegates who were bought; and above all, *who bought them;* likewise the price of their perfidy; make public the name of the man who was offered ten dollars for his vote and who it was that offered it to him.

"You say you will not bring these matters into the campaign unless forced to do so. We ask you to do so, we desire to force the issue and will abide the result. If delegates were corrupt the public should know it, so that those who were not implicated may be exonerated and those who were corrupt may be exposed and held up to public scorn. The interests of the Republican party demand the most thorough and complete exposure of such corruption as you say exists in the party locally. Let the public have the details.

"In conclusion we desire to say that this letter is not written with any desire to create any strife or feeling between yourself and our candidates, or between this committee and your friends, but is written solely for the reason that if "bossism", "corruption" and "bribery" have found an abiding place within our party all good citizens should unite in stamping it out. As citizens, as Republicans, as party representatives, we feel that we are not exceeding our right or duty, in requesting you at once and in the columns of the public press to give the details of what you charge in general terms and what you promise or threaten to give "if forced to do so."

"Please favor us with a reply either public or private on or before Wednesday evening, October 7th, 1896, and oblige this committee.

"Written by order of the Republican Central Committee of San Diego County

"SAM F. SMITH, Chairman."

And to this date *he has not given to us privately nor in the columns of the public press the name of one delegate, city or county, who was instructed for him.* I have made personal inquiry of the delegates in every ward and precinct in the city and am unable to find a single delegate who was instructed, or a single city caucus or primary that gave any instructions whatever, and I personally know that the 3d, 5th, 6th, 7th and 8th wards did not, and these wards comprise 70 per cent. of the city delegation.

The fourth charge is that Mr. Babcock had influenced votes by the payment of money. When called to task for this statement, Judge Puterbaugh in a letter written to Mr. Babcock, said:

"You asked me (referring to Mr. B.) 'do you know personally of any money being paid by me, directly or indirectly, to any delegate to influence his vote in the convention? If so, who to, and when?' To this question I answer: I do not. I never charged you did."

This is sufficient answer to that charge.

The fifth statement is that Mr. Babcock tried to influence the convention by having distributed in the convention hall a printed copy of a letter written by him some weeks previous to the convention and published in one of the daily papers. Mr. Babcock publicly in the convention denied having any connection whatever with the *distribution of the letter in that form* and at his request it was ordered removed from the hall. Investigation has since been made and conclusive proof obtained as to the printing of the circular, and Mr. Babcock is prepared to show that the *letter was printed and distributed by some of the very people who are now opposing the regular Republican nominees for judges.* If you want the proof call on Mr. Babcock and he will show it to you.

The sixth statement is that the letter of Mr. Babcock, published in the Union on August 20th was the slogan of a boss and by reason thereof, Mr. Babcock is, *per se*, the boss of the Republican party. Now I want to say right here that no man who aspired to be a party boss, or who as a party manipulator had political sagacity enough to last him over night, would publish his desire in the columns of the public press.

Bosh and rot. Bossism works by stealth, not in the open; by secret means, and not by open letters; by political caucuses, and not by open warning to the public.

Let us see what the remarkable letter says:

"Over two-thirds voted, and over three-quarters of our citizens now want to see nothing interfere with the development of the water system as contracted for. They will, and should watch and defeat every plan made to delay carrying the contract to completion; and everyone, be he Republican, Democrat or Populist who was known to oppose the water proposition, and now seeks public office, or who is working for delegates whose votes determine who will preside at our courts, or like supervisors, will control water companies' rates, should be turned down at the coming convention, unless known to be true to the city's interest."

Anything wrong with that? If so, what? Let us read further. He says, speaking of the organization of a club in the second ward:

"Every officer named worked to defeat the bonds, and they have set their pins now to elect delegates who will cause the election of judges and supervisors who will delay, if not defeat the contract. I do not mean to say that they will be confined to republican candidates, and therefore extend this warning to all Populists and Democrats, who, with me, think we have more at stake in the water question than we have in local politics this coming election.

"Yes, Mr. Kutchin, the water fight will be a continuing factor in local affairs, and the more of the buzz-saw you and your kind (no matter what your politics are) will find it so if you "monkey" with it. The mass of our people believe we are going to have plenty of work and water very soon and will not tolerate any suspicious acts like yours on the part of any political party or person."

Anything wrong in that? Has the truth of Mr. Babcock's statements been denied? If the warning given by Mr. Babcock resulted in the defeat of Judge Puterbaugh, then it must have been the peoples' will that he be defeated; if it did not have that result, then why all this fuss about it? As I said before, bosses do not work in daylight, and the actions of this alleged boss were open to the world. And, fellow citizens, remember this, *that letter was published on August 20th*; the convention was held on September 2d; it was commented on day by day by the organ of the flume company. The utmost publicity was given to it. Puterbaugh's friends knew of it. Puterbaugh knew of it. Why then did he come before the convention as a candidate? Why did he not become an independent candidate at once. If that letter was bossism on September 19th, it was bossism on August 20th. Why the delay? Why did he not

withdraw his name after the first ballot when he did not receive the alleged promised vote? There can be but one answer. He wanted the office and he wanted the Republican nomination. Failing in that, he wanted the office anyway, and in casting about for an excuse, thought of this letter to which he had not before then attached any importance, and at once the independent platform was made up and here it is. Three planks:

1st.—The convention was corrupt because I was not nominated.

2d.—Delegates were bought because they did not vote for me.

3d.—Babcock is a boss because he opposed me.

Now let us make Rome howl with charges of "bossism and corruption."

That, my fellow citizens, is all there is to it. Not a scintilla of evidence has been produced to substantiate a single charge made, not a delegate has been named by any man of responsibility who was bought or who was approached directly or indirectly or who was corruptly influenced in any manner; not a single delegate has been named who was untrue to his pledges in a single particular; no proof of any kind has been produced to substantiate a single charge made. The convention was composed of as conscientious, honorable and upright men as ever assembled in any city for any purpose, and until the charges made be proven the presumption is certainly in favor of the convention and against the maligner. Now, I am credibly informed that some of the supporters of this independent condidate intend during the week preceeding the election, to circulate over the county printed copies of purported affidavits showing that money was used. This is a method of campaigning long ago discarded among honorable men and we are pleased to know that it does not meet with the approval of Judge Puterbaugh himself, but, my fellow citizens, do not be misled. If there was or can be produced any legitimate or snbstantial proof of the charges made, it would long ago have been given to the public. It cannot stand the light of investigation or it would not have been withheld until the eleventh hour. Beware of the campaign liar; he is a sleek, oily, individual and will stoop to anything to get votes for his independent candidate.

One more point and I am done; these men claim to be Republicans! Claim to be supporting McKinley and the Republican ticket except judges; yet in all speeches made by Judge Puterbaugh that have been reported he has not said one word in favor of McKinley. Nowhere has he mentioned the Republican ticket or Republican organization except to traduce it. Are not he and his friends working in conjunction with one of the Democratic candidates for the same office and trading in all conceivable manners and ways to get votes for each other? Has not one of the most prominent of his supporters openly said he was going to work against our candidate for Congress, W. W. Bowers, unless Bowers' friends would support him? Are they not today trading off the Republican legislative ticket and thus endangering the election of a Republican Senator from this State, to secure votes for him? Are they not doing their very best to defeat our nominees for supervisors and thus preventing the Republican party from getting control of that important board? Are they not doing these things and much more to compass their selfish ends? And yet they claim to be Republicans. Republicans—and yet doing their very best to defeat the entire Congressional, Legislative and County ticket? Yea, "stealing the livery of Heaven to serve the Devil in."

Now, friends, fellow citizens and fellow Republicans, you have a duty to perform on the 3d day of November; a duty to your party, your country and yourselves, and that is to vote for the return to power from the highest office to the lowest of that party which has stood and now stands for honest money; which stands for protection, patriotism and prosperity, personified in McKinley and Hobart, Perkins and Bowers; and to maintain and uphold the integrity of the party organization by voting for the straight ticket from top to bottom.

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Then and Now.

ORATION

BY

CHARLES A. SUMNER,

OF SAN FRANCISCO.

DELIVERED AT QUINCY, CALIFORNIA, JULY 4th, 1876.

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THEN AND NOW.

Oration Delivered at Quincy, July 4th, 1876, by Hon. Chas A. Sumner.

The President of the Day introduced the Orator of the Day, CHARLES A. SUMNER, of San Francisco. Mr. Sumner said:

MR. PRESIDENT, AND LADIES AND GENTLEMEN—FELLOW CITIZENS:—The one hundreth anniversary of the adoption of the Declaration of Independence by the Congress of the United Colonies, or States, of North America: All Hail!

Forty millions of people on this continent greet the morning sun of this day with the grandest emphasis of patriotic exultation. In a thousand cities of the land, the opening moment for rejoicings has been announced by the loudest concert of artillery and the peal of ponderous bells. In ten thousand towns and vilages and hamlets, the proportion of possible welcome has been uttered; and over all the land the stirring roll of the drum, and the jubilant blare of the bugle, and the long processions of bayonet-bearing and regalia-clad men and flower-garlanded children, and the raising and decorating of memorial and triumphal arches, and the uncovering of marble statues of revolutionary heroes, and the earnest speech of proud reminiscence and hopeful prophecy, are among the high testimonials that are being heard and witnessed this day.

Nor is this even a hint of all of recorded demonstration and contemporaneous magnetic incident which deserves our recognition at this moment of time. In a thousand foreign sea-ports that flag is flung from the masthead of every ship in the harbor; nor does there gaze upon it one intelligent man, woman, or child, without some conception of its significance, without some comprehension of its history, without some audible prayer for the perpetuity of those institutions whose one hundred years of life it betokens, and whose flourishing vigor at this day it defiantly proclaims.

And as we gather here, a constituent assembly, in this beautiful valley of the Sierras, to render our humble tribute of commemoration, we seem to feel as a necessary, inevitable, and excellent advantage of our geographical position, that the atmosphere comes to us at this noonday surcharged with the echoes of celebrating voices, awakened in unnumbered homes, rolling in one grand tide from the Atlantic shores. An electric impulse and inspiration that comes from the salutations and cheering of the vast multitude of our fellow-citizens who dwell beyond and below us being borne in, as it were, by the winds of heaven upon our swelling hearts.

Nay more: We seem to catch the strains of martial music, familiar and yet wonderfully weird and wild in its far, faint accents. And as we listen for the haunting whisperings of that music, we remember that the chieftains of the half-barbaric tribes of Herzegovina, who have recently risen in arms against the Turkish tyranny that has crushed their country for a thousand years, have instructed their clans to gather before their tents this day, and listen, and applaud, and adore the God of battles, after the manner of their fathers, while the bands of their battalions commend their supplications for victory by an accompaniment on the shrill clarions of the Orient—striking the newly learned notes of Hail Columbia, Yankee Doodle, and the National Anthem of the American Union.

"Proclaim liberty throughout all the land unto all the inhabitants thereof."

They who see from the design the inevitable existence of a Creator, will confess without superstition the Providential direction that long before the date of its authentic utterance placed these words upon the iron shoulders of the bell that announced from the steeple of Independence Hall in Philadelphia, on the 6th of July, one hundred years ago, that the Declaration of Independence had been adopted by the authorized representatives of the thirteen colonies. The tones that were heard that day by those who were within the literal circuit of its vibrations have been renewed in every decade, as a stimulant and a sonorous telling of brave and noble advances by other peoples towards the securing or maintaining of the principles of constitutional freedom.

It is a day for rejoicing in the calendar of the civilized world! Let it be so. Let the pulsations of intensest joy find perfect health in unrestrained exuberance. Let the full license be given and availed for the heartiest expressions of congratulations, and love, and happiness, and pride. And let no man with mean and cynical devotion to the ordinary quiet of human existence and the gentleness of parlor propriety seek to check or abate the noise of the loud timbrel, or the great shoutings of a free-born and liberty-loving people on the earth.

Despite all the depressions which may be complainingly said to belong to the temporary conditions of trade, we are sure that no stint in willing preparations, anywhere in the land, will hinder or lessen the demonstrations for this day. Despite all the profound misgivings that many may conscientiously entertain, despite all the humiliation and shame which all must confess on account of recent revelations of official malfeasance and profligacy in high places in the Government, the introductory time of these hours is fitly dedicated and devoted to the unqualified and grateful recognition of the fact that the Almighty has cast our lines in pleasant places—in a Republic which, under the benign influence of heaven, our fathers, with wise purposes and robust faith, planted and vindicated through a long and bloody war; sealing their

compact of freedom with the signature of enduring success, for us and for our children and our children's children, and before the kingdoms of the globe.

We are very glad, O, men and women and little children, we are very glad that we have lived to see this day. Our earliest ancestors, in the revolutionary years, dreamed of this day with full and longing hearts. Our latest fathers wished to be spared to behold this day, and died in hope for us.

And ye sons of other nations and distant climes, who have come to dwell among us, and to partake in full measure and harmony of our priceless heritage of republican government! Were it possible, your emotion of thankfulness should be greater than ours, as you mingle in the active commemoration of the events suggested for this day. Far, far across the waters, for many a weary year, your ancestors replied, by an abiding trust in their souls, to the sneers of kings and courtiers, as these declared that our system was impracticable and our national life near to its fit and ignominious doom. And so have their steadfast confidence and patient expectations been blessed unto their children, who are privileged to commune with us and of us today.

And what a tremendous debt of obligation is ours to those who wrought out for us all this glorious framework of Government. Blessed fathers! Your memories are very green in our hearts this day! The long roll cannot be called within our brief limits of speech; but for some of them—not as forgetting or disparaging many others, equally as worthy of our oral register on this occasion—for some of them we must pronounce the names with reverent recollection.

General George Washingtou! Commander-in-Chief of the American forces! That name! There is a fullness, a calmness, a syllabic grandeur in that uame that befits the man.

One hundred and one years ago yesterday morning, when forty-three years of age, he took command of the united forces of the Colonies, at Cambridge, Massachusetts, under an elm tree, which stands to this day and is known by his name.

"Washington!" Into whose presence, it has been testified, no man could come without a sense of profound respect, almost amouuting to emotions of awe. In all history—look it over and over and over, ye young men of America—and we shall strive hereafter to enforce the worthiness of such an examination—in all history, the grandest military hero of any age! No fire of fanaticism, no zeal born of prejudice and not according to sound knowledge of his cause, burned iu his bosom. Assuming command of our armies when the idea of independence was abhorrent to him, he was taught by his observation and experience concerning the home government, that nothing but independence would secure freedom to the people of this land. Convinced of the truth of the situation, his duty was plain; apprised of his duty, his purposes were heroic and inflexible.

Well and prophetically wrote Representative William Hooper, in 1778, addressing Robert Morris: "Will posterity believe the tale? When it shall be consistent with policy to give the history of that man from his first introduction into our service, how often America has been rescued from ruin by the mere strength of his genius and conduct and courage, encountering every obstacle that want of money, men, arms, and ammunition conld throw in his way—an impartial world will say to you that he is the greatest man on earth. Misfortunes are the elements in which he shines, they are the groundwork on which his picture appears to the greatest advantage. He rises superior to them all; they serve as foils to his fortitude and a stimulus to bring into view those great qualities which his modesty keeps concealed."

O! patriot of patriots! We bend over thy lowly tomb this day with tears of thanksgiving, and our choicest words of honor. O,

> "Patient of toil,
> Serene amid alarms!"

We lift our eyes whence cometh that help he sought and found, when he passed beyond the camp and besought the God of battles. And we praise Him who bestowed this wonderful captain for us and for our political redemption.

So gentle as to draw from one of his severest—though a friendly—critic, the title of "The amiable Washington"; and yet firm and resolute when the exigencies demanded these qualities of a commander. And not without that quality for which he has little if any credit—the quality or seuse of humor. This element in his composition was certainly illustrated, in conjunction with the positiveness of his will, when an appeal was made to him on behalf of several thousand royalists, who desired to remain in the city of Boston after the evacuation by the British troops. Patriotic neighbors and petitioners joined with the parties most interested in representing to Washington that these people "are very good people, and like yourself are firmly attached to the English Church. They promise that hereafter they will do nothing in the way of giving aid or comfort to the enemy." To this the reply was made by Washington: "I have uo doubt they are very good people, and I hope that when they die they will all go to heaven; but so far as I am concerned, they must go to Nova Scotia."

Samuel Adams! Who was for "indepeudence" from the beginning of operatious; and whose pen and voice, and unceasing activity in organizing forces against the Crown, were immense levers of influence towards the great consummation. His were the words of radical necessity, and duty,—"We must fight; we must have indepeudence,"—which met the swift echo and electric cheer of that peerless orator of the revolution,—

Patrick Henry, of Virginia.

Joseph Warren, who fell on Bunker Hill with the trinmphant exclamation on his lips: "It is sweet to die for one's country." O, blessed fathers! Joseph Warren: Who on that day volunteered for service in company with a friend and comrade of different mould, but equal devotion:—

Israel Putnam, of Connecticut. "Old Put," as the boys loved to call him; whose counsel was more thau half the secret of that day's virtual victory: "Save your ammuuition, boys, save your ammunition; and don't fire at the grannies nntil you can see the whites of their eyes."

John Adams! The youthful cousin of Sam. Adams, and the worthy kinsman of so indefatigable a leader—a scholar, orator, and author, whose contributions to our arms and our diplomacy have not been more than half appreciated unto this day.

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Nathaniel Green! Whose campaigns were such illustrations of military genius as provoked unwilling tributes of admiration from the veterans of Continental Europe.

Tom Paine. Of whose political writings, known under the titles of "Common Sense," and "The Crisis," tens of thousands of copies were scattered throughout the land at a most critical period, and drew from Washington immediate and thereafter frequent testimonials of appreciation and gratitude; and from whom no alleged subsequent misconduct should take a large meed of popular acknowledgment at this centennial celebration.

General Joseph Reed. Who occupied an important position of trust in the management of affairs, and who, when approached by a British emissary with the proffer of gold and rank for his renunciation of the cause of the colonies, declared that he was a very poor man, but such as he was, the King of England had not money enough to buy him. O, that he had been endowed with centennial vigor; that he might have lived unto this day, and occupied one corresponding position of authority—that he might have held the office of Secretary of War during the present Administration.

General Richard Montgomery. Foremost officer in the attack upon Quebec, on the 13th of December, 1775; who was killed in the very grasp of victory, and by the only volley fired by the retreating British soldiery. The house where his body was laid out is still preserved in one of the principal streets of Quebec. And though more modern and elegant buildings surround it, the homage which visiting Americans pay to such patriotic valor is illustrated in its preservation, and in the crowds that often in the summer season throng that little cottage.

John Stark. Who raised a body of troops in the Green Mountains; and while despondency was spread over the land on account of disasters elsewhere, he went out and stood upon the vaunted pathway of a large body of mercenary Hessians that were passing to Burgoyne's reinforcement, with this appeal and prophecy to his men: "The enemy must fall into our hands before night, or Molly Stark's a widow." And confronting and defeating this and the following troops who were hastening to Burgoyne's assistance, he heard the welcome of his spouse and the plaudits of his country.

Ethan Allen. Who early in the contest made the successful demand for the surrender of Fort Ticonderoga, "In the name of Almighty God and the Continental Congress." And who, afterwards, when a prisoner in England, and the nominal guest of a British Lord, was asked if the portrait of Washington was not fitly placed in the ante-room leading to the vault of a large public street drain in the city of London—(in which ante-room large numbers of the lowest orders gathered, with the request for permission to search for lost articles of value in the filth of the sewer)—replied in the affirmative, with this additional remark: "If that portrait does not make the Britishers get down on their knees and hunt for something they won't find, I don't know where you can get a picture that will produce that result."

Paul Jones. Who in his refitted Indiaman, the *Bon Homme Richard*, on the 23d of September, 1779, engaged in that memorable encounter with the *Serapis*, capturing both it and its companion, the *Countess of Scarborough*, and the convoyed fleet of merchantmen, after a three hours' contest of unparalleled audacity and persistency. "I thought he was blown to pieces a dozen times," said the Commander of the *Serapis*, "and each time was astounded to discover his wreck still fastened to us. And when I did actually scuttle him, I found him on my own deck in full command!"

John Barry. The first naval officer who held the rank of Commodore in the service of the United States. Born in Ireland, he came to this country when fifteen years of age, and obtained such credit as a seaman that he was appointed by Congress, in 1776, to the command of the brig *Lexington*, and shortly afterwards to the command of the frigate *Effingham*. On this latter named vessel he first displayed the American flag as at present constructed—the first Commodore to give that banner to the breeze on the ocean, and in successful conflict with the enemy. General Howe offered him sixty thousand dollars and the command of a British frigate on condition of his deserting the American cause. He received and dismissed the proposition with a laugh of derision.

Francis Marion. Famous as a skirmisher in the Carolinas, and distinguished by his action at Fort Moultrie and the siege at Charleston. His own chivalrous bravery, and the enthusiasm with which he inspired his troops has been well depicted in the song of our ancient bard—attributed to Marion's men:

"Our band is few, but true and tried;
Our leader swift and bold;
The British soldier trembles
When Marion's name is told.

Our fortress is the good green wood,
Our tent the cypress tree;
We know the forest round us,
As the seamen know the sea.

We know its walls of thorny vines,
Its glades of reedy grass,
Its soft and silent islands,
Within the dark morass."

Nathan Hale. That youthful hero and martyr of the Revolution, whose last words, as he ascended the gallows to which he had been condemned by the British commander at New York, should be forever engraved on our grateful memories: "I only regret that I have but one life to lose for my country."

John Hancock. Who said he would endeavor to write his name in so plain and large a text that even so ignorant a man as the King of Great Britain could spell it out.

Charles Carroll. Who, when it was suggested that his name on the list of signers to the Declaration of Independence might be taken for that of another person adjacent to his estate, seized the pen again and affixed the words "of Carrollton;" saying, "If the British tyrant wants to know where I am, or where my property is, he can find both me and mine."

Jacob Duche. Rector of Christ's Church, Philadelphia. Who issued a number of influential tracts in behalf of the cause of the Colonies; but who, on account of his alliances in the Anglican Church, was for some time distrusted by the dissenters about him. After some wrangling in regard to the choice of an officiating minister for the occasion; owing to the persistency of John Adams, a Congregationalist, Jacob Duche was requested to open the first Centennial Congress with

prayer. After a silent supplication—(as he tells us in his diary)—that God would forgive him for all his prayers unwittingly offered in behalf of a tyrant—he broke forth into such an eloquent extemporaneous appeal for the cause of liberty, and for the union of the Colonists in resolution for independence—if honorable peace could not otherwise be had—that many of the delegates fell from their knees to the floor, prostrate, and arose at the conclusion of the prayer with strong cries of "amen," and with tears coursing down their cheeks.

Old Ben Franklin! Bless his memory forever and forever! Old Ben; who desired that Canada and Ireland should join in the original protest against Great Britain. Old Ben, who would not wear livery in any court in Christendom. Old Ben Franklin, whose figure is one of the most familiar and beloved objects of portraiture in every household in the land. In combination: philosopher, statesman, and diplomatist of unrivaled, undying, and increasing fame—that human treasure-house of practical wisdom, political thought, and ever-ready, suggestive wit. He stirred up anew, and to a jubilant pitch, the hope of souls most sorely tried in the dark days of the Revolution, by the shrewd publication of a challenging response to the boast of the British ministry. He said: "Great Britain, at an expense of three million pounds sterling, has killed one hundred and fifty Yankees in the campaign; which is twenty thousand pounds a head; and at Bunker Hill she gained a mile of ground, half of which she lost by our taking position on Plowed Hill. During this time sixty thousand children have been born in America; and the boys and girls are marrying as fast as possible, and raising large families for future reinforcements."

LaFayette! Brilliant representative of the chivalry of the sunny land of France! Whose biography is more enchanting than a romance, and deserves to be among the illustrated patriotic memories of every American youth. LaFayette: who left the comforts and luxuries of a palace when only nineteen years of age, to serve with and become the bosom friend and companion of General Washington. What a picture of pure devotion to the cause of Liberty—LaFayette and Steuben and De Kalb and Du Portrail abiding in the cheerless dugouts of Valley Forge through the long winter of 1777-'8; enduring all manner of physical privations without a murmur, and lending all the support of their counsel, skill, and courage to the great commander of our armies.

Jonathan Trumbull—The war governor of Connecticut; whom Washington denominated "a main pillar of support." From whom our favorite nick-name has been derived—as Washington was wont to turn to him, in the midst of his counsel on important occasions, with the remark: "Let us hear what Brother Jonathan has to say."

Alexander Hamilton. Scarcely twenty years of age when he distinguished himself as an essayist in behalf of the principles for which the battles of the Revolution were fought; whose writings were all-powerful in his day in promoting the cause of independence and constitutional government, and are no less worthy of reading and study now than when they first appeared in the ephemeral publications of the last quarter of the eighteenth century.

And that other name, which we must not omit to utter, though it has been on your tongues so often this day; which may be properly reserved to close the list that I have space to select: the author of the Declaration which has been read to you on its one hundredth anniversary—Thomas Jefferson of Monticello. And yet what superfluous mention, when his words—our words, which he put into our mouths and hearts, and into the immortal literature of freedom—are ringing in our ears.

Only this should now be said:—There has been much labored effort to show the beginning of our Revolution in the dim if not distant past. Real scholars by the score and shallow pretenders to research and historical acumen by the hundreds, have professed to discover perfect parallels for our Republic in classic times or in ancient civilization—now in the islands of the sea, and now in the mountain fastnesses of the continent. Or they have affected to trace, step by step, a rising and concentrating sentiment and cultivated judgment touching the things that belong to perfect liberty. Or they have given credit for the "Idea" to men of malignant and tyrannical dispositions,—a portion of whose writings condemned their deeds. In the light of true investigation and clear review this must be set aside. Most certainly the tracing is not legitimate back to the days of those institutions to which the flippant and the phlegmatic "philosophers," so-called, delight to point. No less a writer than DeQuincy has said: "The Greeks and Romans, although so frantically republican and in some of their institutions so democratic, yet, on the other hand, never developed the idea of representative government. The elective principle was widely known amongst them. Public authority and jurisdiction were created and modified by the elective principle; but never was this principle applied to the creation or direction of public opinion. Strange indeed that so mighty a secret as that of delegating public opinion to the custody of elected representatives, a secret which has changed the face of the world, should have been missed by the nations applying so vast an energy to the whole theory of public administration. But the truth, however paradoxical, is that, in Greece and Rome, no body of public opinion existed that could have furnished a standing ground for adverse parties. In all the discussions of Rome and Greece, the contest could no more be described as a contest of opinion, than could the feuds of our buccaneers in the seventeenth century, when parting company, or fighting for opposite principles of dividing the general booty." And Bancroft sums up the just conclusion, which reaches unto the day of the preparation: "From the fullness of his own mind, without consulting one single book, Thomas Jefferson drafted the Declaration of Independence."

Nor should we forget here to utter a word of memorial salutation connected with other names upon the roll of history, as they are titled unto us. Edmund Burke, John Fox, "Lord Chatham," and the Duke of Richmond. And Colonel Barre; who named our troops that gathered about the city of Boston, "Sons of Liberty;" a name which they were proud to receive, adopt, and perpetuate.

What a picture that must have been in the British Parliament of '77, when Chatham was borne in on a litter, and supported by his attendants, was able in a voice that commanded the hearing of all present, to deliver this grand protest: "You may swell every expense,

accumulate every assistance you can buy or borrow; traffic and barter with every pitiful little German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent; doubly so from this mercenary aid on which you rely, for it irritates to an incredible resentment. If I were an American as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms; so help me God, never, never, never."

We celebrate, this day, the grandest political revolution that the history of this globe records. We turn our eyes to the past and see thirteen Colonies or States, embracing not over 830,000 square miles, with a population not exceeding 3,200,000 people. We lift our eyes to-day to behold a Republic extending from ocean to ocean, with a measuring belt of 3,000 miles, with an area of 3,559,000 square miles, and with thirty-eight States represented upon our flag, and a total population of more than 43,000,000 of people.

Consider the relative strength of the contesting parties, and there is food for inexpressible and overwhelming astonishment at the courage and persistence of the struggle. I believe that very few of our people keep in memory the tremendous efforts made to subdue the Colonists. Great Britain sent to America over 140,000 men, equipped in the best manner then known to civilized warfare. And during the struggle there was no artifice left untried for the purpose of subjugation. There was no stimulant to Indian cruelty or avarice, no bribe of title or gold for venal officers or men of influence—money offered in places "where it would do the most good"—that was omitted from the working and thoroughly executed plan of the British Government. Of the 200,000 men that are credited with having been raised in this country in behalf of the cause of the Colonies, not more than 55,000 were ever on the field at any one time, and not more than 30,000 were at any one time reported in good fighting condition. "Hard, hard indeed was the contest for freedom, and the struggle for independence." Every man and every woman and every child of the age of puberty, whose sympathies were enlisted in the struggle, felt the personal strain of interest and of peril during the last years of the contest.

What a vista of warfare; conducted on the one side with so much lordly ease and pomp, maintained on the other with so much sacrifice and devotion. "The past at least is secure." What a vista of warfare! Lexington and Concord, Ticonderoga, Bunker Hill, Quebec, Sullivan's Island, Long Island, Lake Champlain, White Plains, Fort Washington, Trenton, Princetown, Bennington, Brandywine, Germantown, Saratoga, Forts Mercer and Mifflin, Monmouth, Quaker Hill, Stony Point, Savannah, Charlestown Siege, Camden, King's Mountain, Cowpens, Gilford Courthouse, Hopkins' Hill, Utaw Springs; what a catalogue, what a panorama of deadly struggles, with alternate victories and defeat, until Washington united with the French forces before Lord Cornwallis; until the green cockade of Hamilton and the white plume of Chevalier de Lameth were tossed in triumph over the fortifications of Yorktown.

Measure the cost and the resolution; measure the foemen and the circumstances; measure the suffering and the hope: what an epoch in history. O blessed fathers! Theories of republicanism written in their blood, and institutions of freedom built up with their bones! Not for their own aggrandizement, not in the mere spirit of revenge for trifling or grievous wrongs; not for anything else or less than a holy desire for liberty, founded on a wonderful faith in the capacity of mankind for self-government.

My friends: we boast of a widespread education in our land, by our schools of popular resort. We point with pardonable pride to the houses erected and devoted to the instruction of the people in all the fundamental and many of the higher branches of learning. And how many sons and daughters of this generation have been taught or prompted by this boasting—if not by direct suggestions from the conversation of parents and teachers—to look with pitying consideration upon the alleged or presumed comparatively illiterate condition of the men of this country in the Revolutionary times. Not only the dandy descendants of Revolutionary sires, who lounge in cities which have been built where our fathers found a wilderness, sprinkling rose-water in the streets, and in the theaters and concert halls;—not only do these indulge in this kind of depreciation, but men and women in communities and in walks of life where we should naturally expect a more intelligent recognition of historical fact, and some readiness in just vindication, are also guilty of the same misapprehension and slanderous speech.

Stop to think of it for a moment! What a profound sense of right, combined with the enthusiastic love of liberty; what ability for original reasoning concerning systems of national rule, as well as physical and moral courage to carry out their designs, there must have been among nearly all the people of the land,—characteristic of the inhabitants thereof! What was the fact? Proportionate to the number of inhabitants, there was in those days a far greater average of thoroughly educated men in the sea-coast towns and border villages of the Atlantic Coast, than will be found in places so situated to-day. In some degree illustrative of this fact, is the standard for senior scholarship which is on record in the principal institutions of learning. In the culture of the classics, two or three years' added study would hardly bring a university graduate of to-day up to the examination for accomplishments which the Boston and New Haven Colleges then bestowed.

One hundred and fifty miles west from the city of Boston, in the little village of Sheffield, in the county of Berkshire, resolutions and an address, suggestive of the Declaration, were prepared one hundred years ago; which, for elegance of diction, as well as fervor of patriotism, will compete with the periods of those documents and speeches, belonging to those times, with which we are most familiar, and which, as specimens of rhetoric, we most delight to study and declaim. A majority of the revolutionary fathers were accustomed to listen every Sunday to preachers whose depth of thought and grace of culture are not exceeded in their place at this day; and the congregations loved the meaty discourses that ran up to the 16th subdivision and closed with a full half hour of personal application. O, never was a greater mistake in the general belief or repute touching the disciplined judgment and the actual literary accomplishments of the people. Though our Revolutionary fathers, by Providential guidance, builded wiser than they knew; yet did they understand what they

were proposing and what they were doing fully up to that plane of secular wisdom which we claim for the best classes of our own time.

But above all and through all was the splendid spirit of pure patriotism, exemplified in unnumbered instances throughout the land. Look upon the picture in one of the thousand households from which the soldiery of the Colonies went forth! Into the backwoods—the far west it was then called—the youthful pair had gone from Boston, Salem, or New Bedford, Newburyport, or New York, or Baltimore, or Charleston or Savannah. Long before the Revolution, the towns and cities that were scattered up and down the thousand miles of coast, sent back to the then "far West" their enterprising children. And these built up the old homesteads on the extreme borders of New England, Central New York, New Jersey, Central Pennsylvania, Virginia, the Carolinas, and Georgia. Go and look in upon one of those homesteads. It is one of thousands; aye, of many thousands. You know the commodious character of the rude homestead structures of those days. The great common room is the one in which we will find our people. There is the aged sire. Twenty-five years ago—with his loving spouse, who now sits opposite to him before the wide hearth—twenty-five years ago he came to this "settlement," as it is now called, and constructed the log cabin which for a score of years stood upon the same spot that is now covered by the more pretentious mansion. Between him and his wife sit a group of ten children; the least number that we can suppose for the specimen of a family gathering in such a place and at such a time. Ten children are there. John, the eldest son, twenty-three years of age. Then Susan, then Abigail, then Dorothy, then Elizabeth, then Henry, then Ralph, then Ezekiel, then Matthew, then Samuel—Samuel the baby of twelve years of age. There they are—arranged, as we will suppose, in their seats before the fire-place according to their respective ages. But there is one more in the circle whom we must name. He does not belong to this household. Not yet; not yet. His name is "Reuben." He is sitting close beside Dorothy. It is a cheerful group. Our fathers enjoyed their family life in those times, as they gathered about the evening fire. And there was still a necessity for the warmth of the hearthstone before retiring, in the short night season in this late April time. The company is chatting gaily about the festivities of the winter, and the promise for pastimes through the coming May and leafy June, when a neighhor throws open the kitchen door, and—evidently out of breath with running—commences a recital of the story of the battles of Lexington and Concord! He is permitted to tell the report as he heard it, and can give it at the first version: and then, after many expressions of wonderment, the father commences to question the messenger—seeking every ascertainable particular.

But ever since the first sentences have been uttered by the neighbor, the mother of that family has been sitting with her elbows on her knees and her wrinkled face and gray hair covered with her hands. Now when the telling is over, and the cross-examination has begun, she looks up! She fixes a steadfast gaze on something. What is that? It is something that hangs above the mantel shelf. It is the old Queens-arm flint-lock musket, that lies athwart the deer-horn hooks on the chimney front. She looks at it steadily for several minutes while the questioning is going on. There is one in that company who is intently watching that mother now, and evidently awaiting her recognition. And when she turns her head so that the two can behold each other, face to face, there are no tears in her eyes—no words come from her lips. But that other—John—the eldest boy, the son of her early married life, John knows what his mother has been thinking about—comprehends it all! And he speaks after a little, in a low, calm voice: "Yes, mother, I will take the old musket and go." And he walks over to her, and falls upon his knees beside her and receives her blessing: "O, John! John! You are a brave boy. Your country calls you, and you must go. Heaven bless and keep you John! And O, if it be His will who has been so kind to me thus far through all my earthly pilgrimage, may yon he permitted to come back, and may I see your face once more before I go hence!"

Oh Mother! type of ten thousand mothers in that dreadful struggle! Have we lauded the Fathers of the Revolution, and forgotten thee? Forgive our imperfect memories, and take the tribute now. Blessed mothers of the days of the American Revolution!

But there is another competent soldier in that little circle. John goes back to his former station and takes his chair and crosses to his mother's corner once more, and sits down beside her, with her feeble hand resting in his. He must needs sit beside her now, for the hours of companionship before departure are few. And his favorite sister, Elizabeth—boys will have their favorite sisters when they can choose—comes and leans over the two.

Just at that moment Dorothy,—who has been sitting close beside her lover, to whom she was to have been married on the succeeding Sabbath day,—turns sharply about in her seat and exclaims, in an unwonted tone of voice for her: "Reuben!" That is all she says. "Reuben!" It is enough. Reuben pushes back his chair and rises at once. A splendid specimen of an American youth. Over six feet tall, and broad and athletic in proportion. He almost springs from his seat; yet it is a gentle motion, as in deference to her, though so quick and strong. And his gesture is not wanting in some sort of grace, though it is vehement. He brings his huge right fist squarely down into the palm of his left hand, and exclaims: "Yes, Dorothy, I am a-going—to-morrow." The last word comes out with a little hesitation, but with unabated emphasis. His ready answer makes a deep impression on his betrothed; for she turns pale and seems on the verge of dizziness. But, in perfect health, and untutored in affectations, she does not faint. She rises now and excuses herself and Reuben, and goes with him to the distant window. It is a solemn scene. Yet it is a common scene of patriotism.

Reuben must go; he knows it. He must go. He would go of his own impulse. And yet he knows—if he thinks about such a matter at all—that if he did not go, he could never call that maiden, "wife." Nay, though he could have endowed her with a mansion, equal in value to one of the lath and plaster palaces of the monopoly lords whose dwellings crown the hilltops of San Francisco.

It is a solemn scene! Presently the neighbor retires, and the father calls the flock together, and opens the great Bible, and reads

a fitting chapter. And then there is singing; the sweet singing of old familiar tunes. And then there is a parental prayer.

The boys must go on the morrow. And early on the morrow they bid farewell to mother aud father, and sister and betrothed; and equipped as best they may be, they depart for the nearest rendezvons.

"Farewell" from mother and father and sisters—John—Farewell! For though that aged matron shall see her boy once again, as she prayed she might be permitted to do, perhaps it would have been better for her if it had been otherwise decreed. For when he comes back after six years' service, through all the campaigns, it will he the same, yet not the same boy that left her side. For he will be maimed and shattered; one leg gone, one eye blown out, and the festering furrow of a poison copper bullet across his hreast. He shall not long out-live that mother on the old homestead farm.

And the boy Renben. O, Dorothy, "Farewell! Farewell!" No more shall you see your beloved, O! Dorothy Brown. For he joined Gen. Stark's force near Bennington, and was shot throngh and through a dozen times on the first onset of that fierce enconnter. And with a "life-long hunger" in her bosom—at times almost, almost, not quite—and less, and less so disposed as the years creep upon her—almost at times inclined to repine and reproach herself because she gave the word which Reuben was so quick to interpret, and take as a benediction on his own patriotic thought and resolution. Unwedded for his sake, she passes through life a heroine indeed for her country; a cheer and charm in the households of the hrothers and sisters of John and Reuben, who welcome her annual visitations.

How coldly is it sometimes said, that the war of indepeudence was inevitable. Not so. As the conception of a truly republican form of government belongs absolutely to the statesmen of our country, so does the impulse of patriotism, in its most unselfish force and expression, belong to the soldiers who fought and conqnered for the principles that were enunciated in the Declaration. Perhaps by a little temporizing, a little more of submissive delay, the uprising could have been avoided? With greater reason, we may say, that a little more delay aud submissiveness would have resulted in such provision against attempts on the part of the Colonies to vindicate their rights that any uprising wonld have been of no avail.

Mark the concert of action. Those far removed—as distance was then estimated—from the immediate sceue of conflict, might have called up an infinite variety of excuses for non-participation in the strnggle. There was no Government authority adequate for the snccessful announcement and enforcement of a draft; it was not possible to concentrate pnblic opinion in the sparsely settled communities of the interior so as to compel or constrain the tardy and uuwilling to answer the summons that was given. All is: there was an independent understanding of the sitnation, there was an individual readiness to do battle and endure great hardships for the new born cause of republican freedom. Without social ostracism, without that which we would now call pnblic sentiment, the almost universal response was made. In the outer limits of population the first shout for absolute indepen-dence was heard. There were voices crying in the wilderness, preparing the way for the acceptance and adoption by the people of the Declaration of Independence.

We hear it repeated again that the tide of public sentiment, coming from many concurrent sources, the natural growth of opinion, was snch that the ultimate severance of this territory from under the British dominion was inevitable; and that the relations of king and subject might have been dissolved at a far less cost of blood and treasure, if a better day had been waited for in hope. On the contrary, with due reflection, how the probabilities rise for the opposite belief and conviction! On the contrary, the hour was most auspicious. On the contrary, but for the Revolutionary war as it stands on record, the probabilities are that this continent wonld long have remained the heritage of European kings and emperors; embracing no larger separate areas than were mapped ont one hundred years ago; and probably subdivided thereafter into many sections of independent and hostile authority. From the necessities of the case, from the geography of the hemisphere, the people of this continent, under such circumstances, would have been constantly and most relentlessly embroiled in the bitterest warfare. Auspicious hour! We celebrate the striking of the clock of ages; high uoon in the political cycle of the planet; when the old bell in the steeple of Independence Hall whirled on its yoke and sent forth the tidings that its founder monlded on it: "Proclaim liberty throughout all the land unto all the inhabitants thereof."

But, my friends, we are not here for the mere recitation of events, however appropriate or necessary such recitation may be. You have not asked me to come upon this platform only that you may hear the names of our revolutionary heroes again pronounced; although you may rejoice at the mention of their titles aud the description of some of their patriotic deeds; and so may be agreeably stirred anew to join in the special homage for this occasion on account of the recollection of their labor, their sacrifices aud sufferings, and their success. And as it is not our exclusive business to dwell upon personal and political reminiscences, though they fill us with delight, so it is not our highest present privilege to indulge in the bright anticipations which we may reasonably cultivate and commend. If it be possible—nay, it must be so—there is a grander, a truer, a far more satisfactory and even majestic tribute to be paid to the memories of our Fathers, than could be comprised in any form of direct eulogiums. Ours is not the circnmscribed work of narration. Ours is not the single service of praise.

Could we suppose our Fathers yet living in conscious proximity to us, perpetual witnesses of our conduct as citizens, we should most assuredly understand that, while the words of honor uttered for them, and the representations of their heroism, were pleasing in their ears, yet their loftier and their only adequate recompense must spring from our watchfulness and industry, and our own complete self-dedication as the friends of freedom. A concise and dispassionate consideration of our duties, and an inquiry into onr ability and disposition to perform those obligations which have come with our rights and advantages, is the theme for sacred individual contemplation this day.

As I cannot pause to qualify my limited nnmber of sentences so as to gnard against suspicion of an unwarranted spirit of dicta-

tion; as I cannot finish every paragraph with a protest against any possible challenge in any mind on account of the absolute nature of my statement or suggestion, I wish to say, once for all: I claim no peculiar aptitude for the office to which your kind consideration has called me here this day, and I have no wish to impose upon any one a view of the condition and prospects of affairs that is repugnant to well considered and established convictions. I shall speak plainly and firmly as I think—and so always must I speak, if I speak at all—and yet you will believe me when I say that I have entire respect for your opinions and beliefs touching any subject upon which I may dwell, or to which I may make passing allusion. One thing I know, if I know my own heart—and indeed it is the invocation of my discourse—I can with you this day earnestly seek to lay aside all partisanship, all personal antipathy or likings, wherever they may exist: that we may commune with heartiness and judge with candor.

Our characteristics as a nation have undoubtedly undergone a great change and acquired a peculiar force by reason of the intermingling with other than the original stock. The immigration of many millions of foreigners to this country during the past hundred years, has made up a population, especially in the new States and Territories, with whom appeals have a different and often discordant sound, and representations of fact have a different and contrasting emphasis. Had the population of this country been confined almost entirely to the progeny of those who dwelt in the thirteen colonies at the date of independence, the census roll would scarcely have been one-third as large as now, and the development of industries must have been proportionately small. We have to congratulate ourselves upon great accessions from the civilized nations of the earth. The demonstration of "a land of the free and a home of the brave," has been in itself a mighty testimony to the wisdom of our earliest statesmanship and diplomacy. The homogeneousness that is desirable must come with the years; and not only the already admitted advantage, but the enhanced physical strength and beauty in years to come, will a thousand fold repay the costs of evils which are commonly cast to the account of an immigration of people easily imposed upon by the managers of politics and the heartless aggrandisers of trade.

We are enjoying the full fruits of our Fathers' labors. We can cite a hundred benefits against one great wrong in our National or State life. But are we going forward in the pathway which their principles and policy marked out? Or where is the recognized, the demonstrable deviation that requires a resolute and untiring effort of correction? Are there crying wrongs of which we should complain, with the temper and resolution of reform? Let us see. I remember the time is short, and I set aside a flood of suggestions —coming directly to the main and overshadowing issues.

"The day of material development!" Yes! "Wonderful," is written on the doorposts of the factories and foundries and machine shops and laboratories of the land. Wonderful! The lightning train that recently bore its passengers across the continent—3,000 miles in 80 hours—is but one of many demonstrations. What is to be said of all this wonderful advance by inventions, and by their applications with money, nerve, and muscle? I say: Right here our needs and our dangers and our duties rise to their highest mountains of observation and demand.

God Almighty put it into the minds of many men of many lands, to discover two principles of motive power—Steam and Electricity. The very methods by which they were discovered and first applied, and the fact that several inventors of apparently almost equal merit in widely separated countries were simultaneously recorded and renowned, is a Coincidence of Providence, establishing the intention of universal use and perfect popular enjoyment. THE GREAT ENDOWMENT OF THE CENTURY was given for the children of the Century, and for all the children of every land thereafter. So reads the Biography of the Arts. Now what is the fact? Out of these very inventions spring and grow the present wants and the awful present perils of the Republic! I shall not weary you with an old, old story. I shall state the fact.

We have a work of Vigilance, for we have a war for emancipation. None are so blind as not in some degree to recognize the fact of oppression within our borders; few are so situated as not to feel the weight of tyranny thus imposed. The fact is that we are cursed with monopolies which originally derived their power from the unwitting consent and aid of the burdened and oppressed—by contributions obtained under false pretenses, or extorted in devious ways of legislation. Our need is redemption from the thraldom of monopolists; and this need we can more particularly specify in two instances, with distinct and indisputable arraignments.

Such an endowment as was never given to any enterprise of a similar nature, has been granted by our General and State Governments to the greatest railroad monopoly of the land. Proportionately great has been the gift of the people to that other, and in some respects more outrageous extortioner, the Western Union Telegraph Company. We cannot disguise the fact that our National Legislature and our State Assembly are deceived and debauched by the agents of these great monopolists, in combination with the different local monopolies which are to be found in any particular commonwealth at any particular time, or knocking at the door of any particular session of Congress.

I have been an eye-witness to so much of these corrupting and bamboozling processes from these sources, that I am sure no one can be more competent to relate the fact. And it is a momentous fact which requires a prominent and serious consideration at this day.

What is the want, founded upon the needs which this condition of affairs indicates? Faithful representation. The popular judgment—the prevailing popular judgment—is correct. The need is for faithful representation. Born of the law, enabled to construct their great works with the money of the people, these monopolists are, by the terms of the statute, bound to answer faithful representatives. Yet, year after year goes by, pledge after pledge is made, and the tyrants within our borders, the Emperors of the empire within an empire, laugh at our discomfiture, and mock when, after many failures, we again seek legislative emancipation.

It is not a quarrel of dollars and cents between the mass of the people and a few incorporations. It is a question of national integrity—it is a question concerning liberty for the private enterprise. The finances

of the country, the prosperity of communities, are impaired and jeopardized altogether. Every species of business is either brought directly under tribute to these monopolies, or threatened with ultimate levy.

Our duty as good citizens and as patriots has always seemed to me to be clear and simple. For honest representation you must have unmistakable obligations spread before the people at the beginning of every political canvass. Not only for the proper and avowed purpose of holding representatives to their general agreement, but for their moral and explicit support in discharging the functions of their office.

We speak not now as partisans, bnt we consult as patriots. Some representatives are deceived ; a few are bought. Some representatives are seduced by the blandishments of skillful lobbyists ; a few put themselves up at auction for the services which they can render. The most who fail of honorable record are deceived or intimidated. What is required is nothing less than a clear declaration of rights, and the popular prescribing of a corresponding statute for enactment.

Let the platform read : " Every man nominated by this Convention is pledged to introduce, vote for, and support, without hesitation, equivocation or mental reservation the following bill, to-wit : Be it enacted, etc. Section 1. No railroad company in this State, built wholly or in part by subsidies from this State, or from counties or cities in the State, shall charge over 4 cents per mile for each passenger carried thereon. Section 2. Any ticket vendor, or conductor, or other officer of any railroad company described in Sec. 1, who shall be guilty of charging or collecting any money in excess of 4 cents per mile for each and every passenger traveling on such road, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding $500, or imprisonment in the County Jail not exceeding six months for each and every such offense of which he may be found guilty." And similar provisions with reference to railroad freights would meet with the same burden. A like pledge exacted from candidates for Congress would secure for the people a just tariff upon the roads which have their charter rights and their subsidies from the National Government.

I do not undertake to say that this is the exact form that should be adopted in all cases, but it furnishes a pattern that is deserving of close imitation.

And so should the pledges read in all large communities for legislation against every species of local monopoly which deals with the necessities of life, or with the prerogatives and privileges of commou carriers.

Mark you, it is not proposed that the Natiou or State or municipality should assume a paternal government. Quite to the coutrary. I know this is the plea of the great monopolists : That the logical deduction or conclusion from the popular call for emancipating legislation of this character will result in interference in private enterprise and legitimate business competition. The plea is more than untrue, coming from such a source. The fact is that these monopolists—as must be reiterated—interfere directly and absolutely with private enterprise in such a nanner as to destroy the legitimate competition of trade.

Our government has been requested to endow a great undertaking ou a deliberately written obligation to compensate for such assistauce by reasonable rates for the carrying of persons and property and communications. Not only has this obligatiou beeu set aside, but the private business of whole communities is practically usurped by the magnates of these corporations. And year by year usurpation and absorption increase. I state the fact. Every consideration of law and equity, every sense of justice and right, every impulse of patriotism, springs directly iu the form of reason and emotion on behalf of this long-sought emancipation. Surely the day ought to be expected when the first and last thought of enterprising business men in the great centers of trade should not be one of obsequious consideration for the favor of incorporators who have been uunificently endowed by Nation, State, and city. Surely the people of this and adjacent communities ought not to despair from the idea of a reasonable combination of capital and enterprise required for the construction of a railroad over the natural central mountain route—across the valleys of Plumas and Sierra. Yet we must know that efforts heretofore inaugurated and directed towards that work of construction have been defeated by the influence which the railroad monopoly in California has brought to bear.

The other great monopoly of the land, threatening directly and indirectly the liberties of the people, is known by the name of the Western Union Telegraph Company. Commencing with a capital of a few thousand dollars, it has crept up to the ownership of nearly all the " wires" in the Union ; and by purchase and construction now owns $15,000,000 worth of property of this description ; while its stock has been watered $100,000,000 for the benefit of its managers and manipulators. To-day it practically has the monopoly in the transmission of the telegraphic correspondence throughout the land. *To-day it is the great corrupter of the Congress of the United States.* Before its lobbyists made their appearance at Washington, such a thing as bribery was comparatively uuknown in the halls of the National Legislature. It was an exceptional and notorious case of perfidy, when the legislator at Washington forfeited his direct or implied promise to his constituents. But the railroad and telegraph monopolies have changed all that. The railroad has scores of paid lobbyists at the National Capitol ; strikers of every sort, lawyers of every grade, laud ageuts and general jobbers of every title. The telegraph has not so many persons ostensibly and exclusively engaged in the business of corrupting the National Legislature. But its forces are better disciplined, and its list of employees on half pay for emergencies fully equals the catalogue of its associate in this business. The telegraph monopoly not only buys Congressmen with gold, but it has the reputation of many Representatives (if not all) in its grasp, and bullies or seduces those who are not to be bought into silence or opposition with respect to all feasable measures for a postal telegraph.

Is the exemplification of the matter practical in a few brief sentences ? Judged by the terms of the Eastern roads, constructed almost entirely by private enterprise and private capital, you should be able to travel from Sau Francisco to New York, with first class accommodations, for $60. You are required to pay $130. Gauged by the actual cost of construction — without considering the fact that the original line from Omaha to San Francisco was paid for by the Government, State and City subsidies—you ought not to be

taxed more than fifty cents at the outside, for a twenty-word message from Quincy to the Atlantic Coast. With the postal telegraph in operation, you would not he required to pay more than twenty-five cents for a twenty-word message hence to the Eastern States; while for messages accumulating for dispatch in the night season, one-half cent a word would he the extreme tax upon your correspondence.

Now, the Pacific railroads were endowed, practically, with $150,000,000. The original telegraph line from San Francisco to Omaha was more than paid for by subsidies. Cyrus W. Field announced that its original cost was more than covered hy the net receipts during the first year after its completion.

The railroad and telegraph monopolies, through their agents at Washington, have boasted of their ahility to pay $10,000,000 to promote and maintain their "interests" at the Capitol—for the services, during one session, of lobhyists and newspaper writers, and for the extra salary of Senators and Congressmen. How much of this sum, or how much greater sum, they do expend, may remain something of a mystery to the world in general. We do know that Congressmen and Senators go to Washington poor and retire after a hrief term of service with an ahundance of money or a vast property in land.

A free press is one of the safeguards of republican institutions. Have we a free press in the United States? We can hardly boast of anything of the kind, except in the towns and villages of the land. Such a publication as deserves to he called a free daily journal is an exception to the rule in the large cities of this Union. Startling as the assertion may he to some, it is the simple truth. By the combination of the Western Union Telegraph Co. and the Associated Press, and the railroad monopolies, almost every daily paper in all our large cities is brought under the dominion of the monopolies and extortionists. Some journals are more and some less stringently held to their service. Some owe more allegiance to one monopoly than another. All are permitted to make a periodical diversion on the side of the people, that they may the more readily and efficiently defend and promote the interests of their masters in times of pressing danger! And all these newspapers are always professing great concern in behalf of the people's rights. This is a plain, unvarnished recital of contemporaneous history. The metropolitan press, as a rule, is a disgrace to our country, and a standiug menance to our freedom. "The exceptions to the rule" are so notahle as to require no enumeration hefore any intelligent promiscuous audience. You can name on your fingers the honest daily city journals of national reputation. Not only is the metropolitan press under the dominion of the monopolies referred to, hut characteristically ready for any joh of pnhlic plunder that may be planned and perpetrated against the people.

During the revolutionary war there was no daily journal printed in the Colonies. There were scores of weekly newspapers, most of which were patriotic; and the best among them was puhlished by a woman in the city of Boston. It is safe to say that if, proportionate to the numher of inhahitants, there had been a daily press in this country 100 years ago, with the same ratio of such venal sheets as afflict us to-day, Washington and his associates would have heen so misrepresented and maligned, and the large communities would have heen so deceived, that success for our arms would have been impossihle.

Our metropolitan newspapers do not lack for ahility. Their local columns often display admirahle judgment and industry. There are employed in writing for them many excellent gentlemen and thorough scholars. But as a rule their management is entirely on a mercenary hasis. They are up for sale. And when the owners cannot sell their columns in favor of a monopoly or a joh, they make a dress parade of their virtue hy attacking that particular monopoly or joh; sayiug again for the thousandth time, "O, people, see how we love you and defend your interests!" There is no phrase or sentence of encomium which can attach to the business of journalism which they are not handy in placing to their own unhlemished credit!

These papers would make you helieve that you owe to them that sentiment of hostility to some monopolies which has sometimes arisen to burning force in this State. They did not excite that sentiment; they did not promote that sentiment. It originated and spread and became apparent and took an organized force in spite of them. Then it was their function, as the paid creatures of the monopolies, to proclaim themselves the authors of that sentiment, the originators of the movement that belonged to it. They proposed to champion the rights of the people and lead the movement to legislative success. But wheu the hour came for focalizing work in the legislation, when proceedings were narrowed down so as to mean business in emancipation, then was douht and confusion cast upon this or that particular measure; then the work of general demoralization was the service of the Metropolitan Press. Or if the people's organizations, haviug had experience in this kind of treachery, refused longer oheisance to these organs of incorporators and corruptors—put no more trust in such leadership—theu the Metropolitan Press, with great flourish, withdrew altogether from the hattle; declared that it was a hopeless war; or remained silent as to the issues, and indulged in frequent and extended praise of the greatest enemies of the public, whom hut yesterday it pretended to dislike. I speak of what I have seen again and again illustrated in California and Nevada, and in the cities and Legislatures of those States. Repeatedly have I seen such newspaper demoralization and treachery illustrated at the National Capitol and in the city of Sacramento.

Our unknown relatives and progenitors of the middle ages were Priest-ridden. The people of the United States of America are Press-ridden. The necessity for the hour is for the people to do their own thinking and manage their own political organizations, Emancipation from monopolies means, first, emancipation from the dictation of the Metropolitan Daily Press. Which leads me in conclnsion of this portion of my address to declare, that the present hope of the country is in the people of the country places and in the press of the towns and villages of the nation.

I am far from being one of those who believe that the admitted dangers to the Republic are such as make the balance of reasonable expectation against the promise of perpetuity for our institutions; though many men, eminent for cool judgment and understanding, have not hesitated to express such an

opinion. I do not think that these monopolies can go much further in the work of extortion and corruption. Because I believe in the people of the country; I believe in an aroused and thoroughly concentrated public sentiment. On this we must depend.

Our principal cities contain a large proportion of worthy men, but these cities are practically under the control of rings. Sometimes most under the management of the worst classes in the community, when according to the outside repute, given through the press, they have been freed from such wretched domination. The temper and disposition of the present generation of people in the country places, enlightened and excited for proper action, and the educated patriotism of the children who are to come after us, are the main reliances for substantial and enduring reform in this country. Our metropolitan press is the chief lever in so shaping matters political in our cities that we can hope for little or nothing of reform legislation by the city representatives. Reform we must undoubtedly achieve, if the Republic is to stand.

As much as any one, I regret and deplore the fact that rich thieves can buy seats in Congress and the Legislatures, from many districts in the land. But the danger thus threatened and embodied is apparently met by a rising popular disgust at the exhibition which these creatures make when they enter the halls of legislation, and commence to recite the speeches written for them by their accomplished private secretaries. I protest against the arrogance and impositions and positive tyranny of the monopolists,—with the admission that the day of our downfall is not far distant if their rule is not checked and overthrown; but I think I see their doom in the white heat of a just public sentiment—a public sentiment organized as our Fathers combined for it in the days of the Revolution. The property, the "vested rights" of these monopolies, will not be theirs many years longer, at all events, if they manage or are permitted to control without qualification as they have done for many years past. For another revolution is at hand! But I look for a practical and peaceful solution of our difficulties; and I give my illustration of plans and methods and results.

We are exorbitantly taxed by the railroad monopolists. Our private business enterprises are impaired, or destroyed, or rendered miserably subordinate to the monopolies. Now, it is no answer to all this to say, that the main enterprise has been a benefit to the State and Nation. If there is any good in such enterprises, the people are entitled to a reasonable measure of benefit. The inventions were given for all the people. More than this; with respect to the monopolies most complained of we restate the fact, that their works were built with the people's money. A large revenue, an immense percentage on the capital that is legitimately represented—tho' that capital come from the State and Nation—would not be begrudged to those who control the great railroads and telegraph lines of the country. But the extortions are tremendous and unendurable; and they are kept up by corruptly defeating all honest legislation touching their revenues and their tariff. Now, honest legislation must be had. It must be had by the people speaking directly through explicitly pledged representatives, in the manner which has already been indicated. We must have a faithful representation of the popular will.

But suppose a proper public sentiment, directed in a literal business channel, was cultivated among the people? Take the outside of the expense of a trunk railroad from the Atlantic to the Pacific on a central route. Honestly constructed, it should not cost more than one hundred millions of dollars. But give the vast margin of fifty millions—one hundred and fifty millions of dollars. Ought there not to be ten thousand men, of all the merchants at home and abroad, who are deeply interested in trade across the continent, who could well afford to actually give ten thousand dollars each towards the construction of such a road,—on promise of a reasonable tariff of freights and fares? This would aggregate one hundred millions of dollars. Are there not five thousand merchants and private citizens who would invest five thousand dollars each in the stock of such an enterprise, after such a contribution, with the allied impulse of hostility to the monopoly and a sentiment of patriotism? Suppose that this number of persons are thoroughly informed in the premises, and fully aware of the necessity for breaking up the corruption which springs from the monopoly that is thus to be defeated and overthrown. Is it an incredible thing? Are we asking or proposing a co-operation and combination that is simply ridiculous? Is it so in this Centennial Year? This latter investment would add twenty-five millions to the enterprise. Then, are there not twenty thousand persons who would invest two thousand dollars each? Aggregating forty millions of dollars. In all one hundred and sixty-five millions—enough to construct a railroad and a ten-wire telegraph line across the continent! The very figures, when spread before the eye, indicate, and it seems to me demonstrate, the entire reasonableness of the expectation—provided there is any truth in our assuming a deep seated and widespread spirit of patriotism in the Republic.

Public spirit is patriotism, when applied to the business enterprises of a great country. I wish I had the opportunity to emphasize this statement with many illustrations that press in upon me. Public spirit is patriotism, when citizens are well informed as to their duties, and conscientiously bound to their fulfillment. And the public spirit should, in these early days of the new century, build your rival railways by southern passes, and over your own natural and incomparable central route.

But you may accept a proposition more closely drawn to the capacity of the masses of the people. From one hundred thousand citizens expect for such an enterprise an investment—not a gift—of one thousand dollars each. There is one hundred millions. From one hundred thousand more expect a contribution of five hundred dollars each. This would suffice for the construction of a rival central transcontinental railroad. And then there are two hundred thousand persons directly interested in the success of the project; the persons best qualified to contribute to the success of the enterprise—to confer and build up an enduring patronage on the new road and under the new and reasonable regulations.

Or, once more, we will suppose—you may say imagine—that half a million of people contribute for such a purpose one hundred dollars. This is fifty millions. After such a subscription was made, ten thousand men of all classes of capitalists would gladly hasten

to the investment of ten thousand dollars each; and then we should have the rival road and an everlasting competition.

Is this a utopian scheme? Will any one say this is a "South sea bubble"? The value of this investment, the substantial excellence of the work, cannot be successfully challenged. But you cannot laugh at any such proposition so heartily as the British ministry, one hundred years ago, shouted in derision at the protest of the Colonies against taxation, and the threats of the Colonists for war and independence.

Fellow citizens, what are we doing? Boasting of our freedom? Boasting of our lineage? Boasting of the courage of the past! Boasting of the power to maintain ourselves against the combined governments of Europe in a foreign war! And yet so miserably poor within ourselves; so utterly devoid of the fraternal spirit of co-operation as against the tyrants that are at our own threshold, that we must join the monopoly's press and the "silver-tongued" orators who are pensioned by the rich thieves and fools in Congress—who are hired for the work of mocking—and sneer and scoff at every such plan as this for emancipation!

O, for the spirit of co-operation and patriotism that exists in the new-born Republic of France! For the like of it, as there recently exhibited in the payment of the national debt, would bring to pass all these desirable consummations.

Nor is this a mere matter of faith, or a kind imputing of moral disposition in secular enterprise. Seventy-five millions of money are daily thrown over from one hand to another in the stock transactions of the country; and sometimes in San Francisco this amount is passed from hand to hand, in its represented forms, within the two sessions of the Boards that congregate within the halls of hazard. The audacity for such a popular scheme, the courage for such an investment, is not lacking. And there is often a disclosed ambition among men who control immense amounts of capital at the centers of trade, to leave some record worthy of the name of humanity. Even among the worst, even those who force young men into corners of tribulation,—and take hundreds of thousands of dollars from the fruits of the forgeries to which their victims have by them been compelled,—investments have been made in theological seminaries with some hope of a popular human, if not a Divine forgiveness. And this is confessedly going down to the lowest plane of expectation. But let it be made known in various ways that the people would recognize the enterprise indicated as worthy of execution by men claiming the highest and purest of patriotic motives—let attention be so directed and emphasized—and the money would come!

And this is not speaking of utter impossibilities; for in a thousand and one small communities, at a proportionate cost and sacrifice, similar results have been attained in this Republic, and in all the other civilized nations of the earth.

We must cultivate this public sentiment, into a practically emancipating application and conclusion. We must not deny the possibility of its existence, and its practicable workings. We must stimulate its exercise by mapping out ways for its development and its display. We must not be shamed from giving utterance to such expectations, by the derisive laugh of the monopolists, who do accompany their editors and orators when they say: "You would be very free with other people's money!"

Think of it! Think of it! What three millions of people could do one hundred years ago! Tossing their all into the cause of freedom. Pledging their fortunes and their lives, unhesitatingly and unqualifiedly, for the freedom of the Colonies and the good of the human race. And here we are speaking for forty-three millions of people on this continent; and it is almost hazardous to his reputation for common sense for a man in a mountain town in California to suggest the bare possibility that we have a million of adults in this generation of the great Republic, who would be willing to contribute one hundred dollars each to deliver this land from the chains of a grinding and debauching tyranny! Think of it! Think of it—before you cast these suggestions into the fire of your contempt.

Co-operation in business is not merely a commercial but a patriotic need of the times. That fraternizing interest which is denominated by this comprehensive term must be a cardinal feature in the progressive life of the people of this Republic during the century that is to come. Not that communities shall or should be brought to the dead level of privilege or enjoyment; not that competition shall not be allowed full and encouraged opportunity and scope; but that with respect to the fundamental wants and requirements of the people, the balance of privilege for all shall be recovered and kept with a steady and unfaltering hand.

These monopolies do more than directly oppress and interfere wrongfully with business enterprises of the citizens. They check the advances of mankind in the application and enjoyment of inventions. It is so in some degree with respect to railroading; it is preeminently so with respect to telegraphs. To-day there stand on record inventions which multiply the working capacity of the telegraph more than a hundred fold. But they do not come into practical and popular use because the telegraph monopoly in this country will not have the prices for transmission cheapened, nor their pretended reasons for maintaining their exorbitant tariffs still further impaired and exposed. More than this: thousands and thousands of persons are kept out of employment by the managers of this legacy of discovery and invention. Where a railroad and telegraph monopoly of the country at this day employ one person, proper competition and a proper application of inventions and discoveries by way of improvement—with the proportionate reduction of terms—would result in creating a demand for twenty persons. With a postal telegraph all the wonderful improvements which have been made in the methods of transmitting messages by electricity during the past ten years would be applied, and within the decade all the written communications of the people would be transmitted over the telegraph wires. None qualified to speak with reference to this subject could maintain a negative to this assertion before an intelligent audience. But the people are kept in ignorance of these facts; these inventions are smothered; Congress is bamboozled and bribed in order that the telegraph monopoly may continue to flourish and extort. How long is this to be in a free country, or in a country worthy to be called free? In this nineteenth century of Christian civilization, and this second century of the life of the

American Republic:—How long? How long are we to be under the dominiou of these monopolists? The people and the press of the country places of the land are alone to be relied upou for a cheering auswer.

The margin for individual enterprise and splendid business competition should grow wider with each important invention calculated to lessen the requirements for manual drudgery, and to diversify the iudustries of life. The grasping of selfish monopolies must be met by the fraterniziug of the people in their several departments of labor; or the second auspicious hour for emancipation will have passed forever from our reckoning! It is a part of true patriotism to meditate upon these things.

The "pursuit of happiness" is declared to be an inalienable right. To "iusure domestic tranquillity" is proclaimed a purpose of the Union. Yet we know that there is an apprehension among many good people (especially among those who claim entire orthodoxy for their creed and purpose) to the effect that one of our greatest dangers as a people consists iu our present or future excessive characteristic happiness aud content. In this there must be a confusion of ideas; a substituting of the thought of luxury and enervatiug ease, for a just conception of a condition of plenty and peace. These good people delight to review their early history, and their children are glad to hear the story—how they struggled, and toiled, and overcome, amid many and great privations. They hold those parental plans injudicious which favor for their children the amelioration or avoidance of hardships such as atteuded their own boyhood struggle for a livelihood aud competence. And goiug beyoud this, iu the general thought concerning the land and the people:—when they see so much wrong-doing in our Republic, they prophesy an immediate and literal war of redemption, or an ordeal of terrible distress. Between these good people's opinions, and the rose-colored view of the optimist, the just picture and judgment may be found in a balance. Discipline is a thing for the generations that are soon to come upon the active stage of life in this Republic, but a tax of penury and waut is unnecessary. And for the battling that is disciplinary in its character and redeeming in its results, the fields are ready and to the hand for every patriot.

Talk not to me of heroism or martyrdom as confined alone to the bloody field of carnage. The courage, patience, and persistence that compose the fiue quality of heroism are needed now in our country in the blessed days of peace. Our sous and daughters are and will be required, in the name and cause of patriotism, to challenge foes aud confrout uunumbered euemies to the cause of political right and liberty. Not in literal manual combat, nor yet iu any misty debates about the problems of life which the phlegmatic philosophers put forth with so much unction and exclusiveness.

The statement aud the illustration of the demand for all the strength and vigor of patriotism cau surely be placed in brief and unmistakable paragraphs.

Your boy will find, as he enters upou the arena of life, that if he would be honest and earnest iu devotion to the principles of liberty in this country, he must be both brave and resolute. The blaudishments of the devil's own princes are on every hand. And it may be that martyrdom is for him; for if it shall be true that he stands confirmed as an honest representative, he must not expect promotion, except he live in vigor to see the day when the rising strength of an intelligent and honorable people shall overbear all the cunniug of the rings of monopoly. Back to private life, or not one step beyond the first promotion—such will be their orders, if he will not do their law. And often it is to-day the fact—and will be so to-morrow—that he who coutributes most to create and promote a just public sentiment will reap no political reward. He may be, he is likely to be, the most unpopular man in the very communities where he has instigated and inoculated a spirit of righteous resistance, rebellion, and reform. And iu the first dawning days of victory for the cause he has espoused, he must expect to see time-servers and hypocrites reap the harvest of his labor and fortitude.

The monopolies say to the young man who makes his first appearance iu the public forum: "Be circumspect, young man, and do not attack our 'vested rights.'" That much, at least, will be whispered into his ear, at the very outset of his mission as a public-spirited citizen and patriot.

But if he should be recognized at once as possessing unusual ability, the ageuts of the monopolists will go further aud say, "Come into our private rooms, young man, and we will point out to you the certain and ouly road of preferment. We will convince you forthwith that your prudent and proper and profitable course lies in the direction that we alone are competeut to indicate. To begin with—as a trifling token of our regard for you and of our disposition to be your friend in all things—you shall have plenty of money for your comfort, your pleasures, and your dissipations. We are rich and powerful; we say to this man Go, and he goeth, and to another Come, and he cometh; we build up legislatures, we nominate Governors, aud Congressmen, and United States Senators; and uo youug man can be sure of a lastiug and honorable reputation who has not our endorsemeut. And if any man, under a misapprehension of the streugth of popular will, rebels against our dictates wheu, with our consent, he shall have been elected, we kick him out of office, aud add a thousaud humiliations to the ordiuary shame of a remarkable and unexpected defeat. We can show you, if you will come into our private rooms, full enough to couvince you of our ability in respect to these matters. Come in, and communicate with us."

I give almost a literal copy of the language of appeal and admouition and promise in such cases made and provided.

But the young man may say, if he shall have been elected to any representative position: "I am pledged to my constituents," or "I am bouud by my implied and uuderstood fealty to my party, to oppose strenuously such measures as I understand you wish promoted or sustained."

Theu the reply will come—as its equivalent is on the record in affidavits before the Committees of Congress at this day: "Young man, you don't kuow what what you are doing, or what you are talking about. You will probably never be heard of again in public life as a public officer if you don't agree to our terms and walk in paths of pleasantness which we opeu out. That is: never creditably known. Many young meu in the ardor of their youthful dispositions, and in the natural pride of life, have presumed to oppose us, as you think you may

do to-morrow ; but they have been driven out of pnblic life, or we have, at the very least, kept them on the grade where they stood when they commenced hostilities. Not one step have they taken in advance ; except they have repented and come in with ns and accepted our vows and obtained onr good opinion, they have never advanced one step further in pnblic position or popnlar repntation. Come in and look at our ledger and our catalogne."

Perhaps the yonng man goes into their parlors, in their splendid hotel, or in their dwelling-honses over-looking the metropolis —from whose verandah the King of monopolies can look down upon his city fnll of victims. And they call the roll ; and they recite circnmstances ; and they tell in detail the shameful history of thousands of the "leading citizens" in the State of California, and in the States adjacent thereto—Senators, Representatives, Governors, etc.

And then they repeat their solicitations : "Accept our liberal proposition and you are rich to-day, and you still remain free for all opinions and pursuits not antagonistic to onr 'vested rights.' Do it, yonng man, do it, or we will open onr metropolitan daily and weekly papers upon you! We have scholars at San Francisco engaged in writing on the *Evening Wiseacre* and the *Morning Owl* who will pick ont all the flaws in your extemporaneous rhetoric and the inadvertant errors in your statements, and artistically exhibit yon as an ignoramns and a frand—if you don't come in with us. Now recollect, yon are just beginning life, and the futnre is before yon. We can attribnte a thonsand things to you which you never thonght of, much less nttered, and so assert and reassert that the majority of the people who read our publications—for lack of any other cheap pnblication in which to find the news—will believe that yon are the author of the most ridiculous falsehoods as well as the most ungrammatical periods. And in addition, our blackguard dailies or our Barbary Coast weeklies will not only adopt this method of sending you to coventry, bnt will question whether your initials do not belong to a regular attendant in the lowest haunts of vice ; will lampoon yon and your family, nntil yonr relations, one and all, like Job's wife, shall invite yon to cnrse God and die!

"Young man, you had better come over and come with ns. We will do yon good. Here is a purse of gold to begin with. And we will give you a homestead to-morrow. Why need yon work and drudge all yonr life long to attain reputation and honor? We can make you honorably renowned in a day. Why shonld yon volnntarily plunge into battle for the 'dear people,' against onr interests and our vested rights? We will make you perfectly comfortable to-day, and secure yon with a bond for to-morrow and for all the coming days of yonr life. Come with us. Don't make an accnrsed fool of yourself. Come with us. You shall have yonr name heralded in onr daily Metropolitan and onr weekly San Francisco Presses, as "a rising young statesman" of the State. Yonr hills shall be paid at the Palace Hotel whenever you come to the city. Yon shall have all the money you need for your comfort and luxury. You shall have all the means you require for your canvasses in your locality. Your portrait shall be shed abroad before the world in our mammoth Centennial sheet, and in our weekly gallery of snccessfnl saints in San Francisco. A great fntnre is opening out before you, young man. Come in and be of ns. Don't be fidgetty abont the rights or the reasonable desires of the people. Who are the people? The people are nnmbskulls. Our metropolitan press "plays" the people for all they are worth at every election. Suppose a few hard-fisted yeomen denounce you for an apparent disregard of platforms and a violation of private promises. If for your interests and our own yon rnn for office again in that locality or that district, we will smooth matters over at the election time. And, young man, we have a hnndred ways of "going after" any tough cnstomer in any particular commnnity who is obstreporous against us, and particularly insists upon legislative assaults on onr "vested rights." Come in with us."

And so the pleading goes on—in this strain it proceeds day in and night out, until the final determination is made. Is there not an opportnnity for patriotic heroism here? Under such circumstances, do yon need a foreign war to develop the spirit of a soldier in the breasts of the boys of the rising generation? Do we not rather reqnire a qniet moral home-discipline in truth and integrity, to develop the soundest faith in onr institntions and the most abiding love for the liberties with which our fathers endowed ns? Do we not need all the accomplishments that earnest study can get for onr children who are to meet the domestic tyrants of this land—if ever they are to be successfnlly encountered—and defeat their devices and overthrow their policy?

This Repnblic cannot be re-cemented by the collision of armed soldiery, combatting foreign enemies, and so wedding the people anew in the comradeship of the camp. The demoralization and the rnin of character that inevitably follows any great war is sufficiently exhibited in the government as it stands. The greatest champions of the race have been born and nurtured in times of profoundest peace. As the doors of the temple of the heathen God of War were closed when the Divine Hero came to fulfill His mission to man in the land of Palestine, so has the blessing of a quiet boyhood life been characteristically the enjoyment of nearly all the human defenders of the rights of the people. The cnltivation of honor and courage in the colleges of peace, is the discipline for the young who are to be invited into the banquet-hall of the kings of monopolies and their courtiers—where the king and his dukes, earls, marquises, baronets, and unnnmbered flunkies, gather for the orgies of the night ;—and who are to retire unsednced by the dissipations, and defiant of the threats and warnings given in the parlors above.

We boast a land of content ; and there is peace. We boast of wealth of productions ; and they are beyond valuation. The corn and the wine and the oil, and the iron and copper, and the precions minerals—are they not all in the invoice of the country? Against yonr own monntains that gird us round about, the hydraulic ram with its three hundred feet perpendicular pressnre throws a river of water, sending down immense streams, heavy with golden sands, for generous deposit in the long block-ribbed flumes—yet relatively wearing no more of substance from the immense deposits of eqnally valuable earth than the play of a pocket-syringe could fret from one of the lower layers of the great pyramid

of Egypt. And of the productions of the necessaries and the ordinary comforts of life: so vast is the burden in granary and factory and warehouse, that true political economy must to-day discover in the fact of superabundance a preponderating cause of financial distress.

O, land of peace and plenty! The need is for the American youth to take advantage of the time and educational privilege, that he may be a warrior in the civil battles of the new century.

The stimulant for discipline and comfort and training is unequaled. For if our institutions are to be preserved, rewards will come to those who have the moral right. We must soon agree as a people to take the best men for the most responsible offices, without respect to peculiar opinions in reference to subordinate political issues. We must soon learn to make clear popular discriminations between the real soldiers for liberty and the political frauds who, for themselves alone, or for their secret monopoly masters, mount the rising tide of public opinion and determination.

The stimulant and instruction in culture as patriots has been with us too much neglected in the years gone by. It is the study of the lives of our Fathers of the Revolution—their statesmanship and their practical policy—that most needs the commendation of the hour. What more fascinating study! In how many instances exceeding the charm of the most bewitching novel that was ever written from historic annals. Precept with example, and the invitations and incentive of lineage, are combined and concentrated here.

To-day we stand looking back upon the past, and taking our vows anew, as with nerves of steel: that this Republic, this Government "for the people by the people," shall not fail from off the earth. Yet hardly have we arrived at the true conception—as I trust and believe—of the intensity of that devotion which intelligent and educated citizens will hold towards this country when they shall have risen from the perusal of the pages of the worthy biographies of the Founders of the Republic. Nor is there in the classic writings of England a pattern for diction, exceeding in its length and breadth of excellence the periods of Jefferson, the paragraphs of Adams, and the essays of Hamilton.

True patriotism is always a lively and aggressive sentiment. The Republic is full of saintly men who are negatively good citizens, but almost absolutely worthless for the warfare that is at hand. We need no foreign war; but we do need a war-like spirit in its fullest measure and aggressive force, and its most exhilarating glow. It shall come as an Inspiration from the pages of these biographies!

Nor can we be sufficieutly thankful that the year brings forth, for many reasons of profit to writer and publisher, a long catalogue of new editions, and a rapidly lengthening list of fresh and perfect reviews of our Fathers' patriotic deed and thought. And shamed be the boy of fitting age and decent opportunity, who shall not at the close of the year we open to-day—if not before—be able to recite a comprehensive record of the Revolution, and the names and the principal facts in the biographies of all its influential heroes; and the general principles which each of them inculcated when the ultimate form of government came to be considered and determined.

No work for the purely patriotic in our day? No occasion for superlative commendation of such a sentiment? No practical application of it in the business affairs of government, in these piping hours of peace? Look abroad and look at home. The old monarchs of Europe hate us even more than they did our Fathers in the days so long gone by. The rich men who run the governments of Europe by loans, and by hiding the sinews of war, are in close social league with the rich men of this country who compose the incorporators and managers of the gigantic monopolies of our Republic. All these, and all alike, prefer a "strong goverument," as they call it; by which, among themselves—as they sit in private consultation—they agree that they can soonest bring to bear those influences and accomplish those results which make their miserly money-calling sure and great.

Or you assert or suggest that no patriotism is possible save in the walks of public life—no manifestation or exemplification appropriate save in legislative action, and upon the forum? We want from the coming generation an American Charles Dickens, William Makepeace Thackeray, and Douglas Jerold, and George Cruikshank (who would not sell his pencil to any party), who shall spear these mushroom and shoddy aristocrats; who shall pursue them as they ascend to their throne-chambers in their hotels and clapboard castles of luxury, seduction, and vice, with a mercilessly crucifying art. We want men of such genius, whose patriotic judgment is clear, and who are not to be bought with the monopolist's gold. Nor shall such writers wait long for recognition; for so anxious in this direction has been the instinctive hope of the American public, that many clowns and thinly endowed humorists who have really essayed something to this service, have been welcomed with a tumult of applause as they shied their caps into the arena of letters.

We need the drama that will "hold the mirror up to nature." At this day in this country we have nothing that fully answers such description—if, indeed, we have anything that makes a worthy approach to such composition as Shakspeare so intended to commend. The foibles and silly affectations of fashionable life—where female offenders against what is called good taste are the objects of caricature and censure—and in this the play is a species of cowardice—are held up to moral reprobation by some of our "society comedies." But the vices and crimes of the unscrupulous sons of avarice, which do most grievously afflict the country, are not touched by our American stage authors; or only referred to in the most delicate Harrold-Skimpole manner. The American comedies that are to be recognized as worthy, healthy, and reformatory sarcasms on the times—our times—are yet to be written. They cannot, at the first years of introduction, be played in the theaters of the large cities—only in the country towns and villages. And from this must come another advantage of instruction and recreation.

We now pay exorbitant prices for eligible seats in our metropolitan theaters; where we may listen to one or two good actors and actresses, supported by ladies and gentlemen whose reading is forced and unnatural at all times, and often execrable in the extreme—the worst possible elocutionary patterns for

our children, so far as management of voice and appropriateness of gesture is concerned. I have heard some of the old English comedies performed far better in the Academy Hall, in a village of the State, than I have ever known the same or similar plays to be presented in any one of the many be-puffed city "Temples of the Drama" which I have visited. There is a great lacking in popular opportunity for this kind of most instructive recreation. A most foolish lacking—for there is an immense amount of uncultivated or unutilized dramatic talent in the land; unexercised, if not actually repressed, on account of the practical monopoly in this kind of amusements in the city, and the ignorance and prejudice touching the native ability of our boys and girls for pleasing and effective stage delineations. Every town in the country should have a suitable edifice for the drama, that would mirror the times. The acting material is abundant; and the beneficial results of the systematic cultivation and regular or frequent exhibition of the home talent for the home theater can be expected hy every intelligent person who will reflect upon the subject and the scheme. For elocutionary clearness and precision of utterance, and for truth of emphasis and tenderness of genuine pathos, I have never heard any professional reader surpass in excellence the little lady who read your patriotic poems from your platform to-day.

But the elements for romance in our history will soon appear to he enhanced a thousand fold, and so will more smoothly and naturally and enchautingly come forth the satires of the age. Passing the Centennial year, we are fully within the barriers of time for the complete exercise of the gifts and the spirit of imagination towards the things of the past. The appearance of contemporary events gives place to the faintly shadowed outlines of the distant mountain-tops and the softly changing hues of the landscape that lies between. Children of fancy, pictures of love and devotion, may now be drawu upon a hackground unsurpassed for the accessories of foliage and perspective of cloud. While we may not hoast of ancient ruins and cities, and decaying castles, with which to iuvite the modern traveling philosophers of Great Britain and the Continent, as centers for their ohservation, and as studies and incentives for the romantic, yet shall onr own accomplished children find the national history which is undisputed, and the heroism which it emhodies and suggests and prophecies, more than compensation.

And all shall combine—O, let us helieve it will he so, as so we pray it may be—aud all shall combine to nurture the patriotism of the near future, which can tolerate no truth-bearing challenge that reads before the world: "You have the form of a Free Republican Government; but a few incorporated thieves have absolute dominion throughout your laud."

O, day of memory and hope! Our confidence and our enthusiasm rise with every retrospect, and amid all shortcomings and defects spring forth brighter and stronger from every hour of solemn meditation.

The ouce restless amhition for territorial expansion is no more. We have set our lines on the South; and if the greeu and yellow plats of Canada and British Columbia are to he added to our survey, it will not be becanse we seek an annexation. Our fields are measured to-day, by universal consent. Within the boundaries as they now stand, the labor and the development of the nation for a hundred years to come are to he experienced and enjoyed.

Of that which is due and desired, we have but faintly sketched some of the larger matters.

For every one of ns there comes a summons unto a perfect citizenship. We shall not attain unto it; we must strive to approximate it. Bound no more—no more, if ever in our past lives—hy the iron chaius of party, we take the issues that come for our decision into the closets of honest hearts, and lay our verdicts upon the altar of our country;—unhiased hy personal favoritism, unqualified hy sinister considerations or enfeebling fear. So may it be. Then shall true civilization advance; then shall the arts of peace flourish best of all in the land of Washington; and then shall the Creator here make manifest the uttermost beneficent possibilities of the human race.

"O, Country, marvel of the earth!
O, realm to sudden greatness grown!
The age that gloried in thy birth—
Shall it behold thee overthrown?
Shall state corruptions ruin sow?
Shall selfish schemers bring thee low?
No, land of Hope and Blessing, no!

"And they who founded in this land
The power that rules from sea to sea;
Bled they in vain, or vainly planned,
To leave this country great and free?
Their sleeping ashes from below
Send up the thrilling murmur, no!

"Our humming marts, our iron ways,
Our wind-tossed woods on mountain crest
The hoarse Atlantic with its bays,
The calm, broad ocean of the West,
And Mississippi's torrent flow,
And loud Niagara answer, no!

"Nor yet the hour is nigh when they
Who deep in Eld's dim twillght sit—
Earth's ancient kings—shall rise and say—
'Proud country, welcome to the pit!
So soon art thou, like us, brought low!'
No, sullen group of shadows, no!

"For now behold the arm that gave
The victory in our Fathers' day,
Strong as of old to guard and save—
That mighty arm that none can stay;
In clouds above and fields below,
Writes in men's sight the answer, no!"

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